

Also, petition of Wesley J. Knaggs, Bay City, Mich., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of Judson G. Wall, New York, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

By Mr. GEORGE: Petition of citizens of New York, N. Y., favoring the passage of House bill 26277, to establish a United States court of patent appeals; to the Committee on Patents.

By Mr. HAYDEN: Petition of X. N. Steeves and sundry other citizens of northern Arizona, protesting against the passage of the Lever bill (H. R. 19857) providing for the leasing of the public domain; to the Committee on the Public Lands.

By Mr. HAYES: Petition of Leon Lebbmann, A. Levy, Charles Doulan, J. M. Waterman, Charles F. Blackstock, Louis G. Maulhardt, Joseph D. McGrath, and I. W. Stewart, of Oxnard, Cal., protesting against the proposed reduction of tariff on sugar; to the Committee on Ways and Means.

By Mr. KINDRED: Petition of the Eastern Talking Machine Dealers' Association, New York, protesting against the passage of section 2 of the Oldfield patent bill, preventing the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the board of trustees of the Trinity Methodist Episcopal Church, Astoria, Long Island, N. Y., favoring the passage of the Kenyon bill (S. 4043), preventing the shipment of liquor into dry territory; to the Committee on the Territories.

By Mr. MILLER: Petition of farmers and citizens of Minnesota, protesting against any legislation proposing a reduction of tariff on foreign potato starch; to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Resolutions of the board of directors of the Philadelphia Chamber of Commerce, favoring legislation to build a 1,700-foot dry dock at the Philadelphia Navy Yard; to the Committee on Naval Affairs.

By Mr. NEELEY: Petition of citizens of Langdon, Kans., favoring the passage of the Kenyon-Sheppard bill, for preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. PUJO: Letter from the Secretary of the Treasury with reference to the building of the post office at Crowley, La.; to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON: Papers to accompany bill for the relief of the estate of John Y. Jackson, Giles County, Tenn.; to the Committee on War Claims.

By Mr. SCULLY: Petition of Thomas A. Edison (Inc.), Orange, N. J., protesting against the passage of the Oldfield patent bill (H. R. 23417), prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

By Mr. TILSON: Petition of the Eastern Talking Machine Dealers' Association, New York, protesting against the passage of the Oldfield patent bill, prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

By Mr. WEEKS: Petition of citizens of Newtonville, Mass., favoring the passage of the Kenyon-Sheppard liquor bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. WOOD of New Jersey: Papers to accompany bill (H. R. 28016), granting an increase of pension to Catharine J. Wesley; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 28015) granting a pension to Wesley C. Beatty; to the Committee on Pensions.

SENATE.

FRIDAY, January 17, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

Mr. HITCHCOCK (at the Vice President's desk) directed the Secretary to read the following communication:

UNITED STATES SENATE,
Washington, D. C., January 17, 1913.

To the Senate:

I hereby name Hon. GILBERT M. HITCHCOCK, junior Senator from the State of Nebraska, to perform the duties of the Chair during my absence Friday, the 17th day of January, 1913.

AUGUSTUS O. BACON,
President of the Senate pro tempore.

Mr. HITCHCOCK thereupon took the chair as presiding officer for to-day, and directed that the Journal be read.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CULBERSON and by unani-

mous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate: H. R. 19544. An act to amend section 9 of the immigration act, approved February 20, 1907; and

H. R. 20195. An act to amend the naturalization laws.

CREDENTIALS.

Mr. JOHNSON of Maine presented the credentials of EDWIN C. BURLEIGH, chosen by the Legislature of the State of Maine a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

Mr. CRANE presented the credentials of JOHN W. WEEKS, chosen by the Legislature of the State of Massachusetts a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented resolutions adopted by sundry citizens of Brooklyn, N. Y., favoring the ratification of an arbitration treaty between the United States and Great Britain regarding Panama Canal tolls, which were referred to the Committee on Foreign Relations.

Mr. JOHNSON of Maine presented a petition of sundry citizens of Fryeburg, Me., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. McLEAN presented a petition of sundry citizens of Canaan, Conn., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. GRONNA presented a petition of sundry citizens of Wimbledon, N. Dak., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. BROWN presented a petition of sundry citizens of Laurel, Nebr., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. ROOT presented the petition of Miss Eugenia McGarrah, of Brooklyn, N. Y., praying for the passage of the so-called Kenyon red-light bill, which was ordered to lie on the table.

Mr. WORKS presented a memorial of the pupils in the history and civil-government classes of the Pine Avenue School, of Long Beach, Cal., approving certain legislation regarding the Panama Canal and remonstrating against interference from any other country with the commercial policy of the United States, which was referred to the Committee on Inter-oceanic Canals.

THE PRESIDENTIAL TERM.

Mr. WORKS. I have here a memorial of the National Business League of America in support of Senate joint resolution 78, together with some short newspaper editorials bearing upon the same subject. Some of these editorials go back as far as 1904, at which time this same business league was supporting the principle involved in the joint resolution. I ask that the memorial and the editorials be printed in the RECORD.

There being no objection, the matter was ordered to lie on the table, and to be printed in the RECORD, as follows:—

THE BEGINNING OF THE MOVEMENT FOR A SINGLE SIX-YEAR TERM FOR THE PRESIDENT OF THE UNITED STATES OF AMERICA.

At a meeting of the executive committee of the National Business League, held in Chicago, January 14, 1904, a movement was inaugurated, by unanimous adoption of the following preamble and resolutions, to amend the Constitution of the United States, so as to provide for a six-year presidential term, making the Chief Executive ineligible for reelection:

Whereas in view of the vast, diversified, and rapidly increasing industries and commerce of the United States and the multitude of people relying on the successful operation of productive and trade enterprises, which, to be continuously and evenly prosperous, should be unhampered by frequent distracting influences of the public mind; and Whereas the President of the United States of America is, as provided in section 1, Article II, of the Constitution of the United States, elected to office for the brief term of four years, and thereafter is eligible for reelection as President for a like term or terms; and Whereas a presidential campaign, aside from its frequent recurrence, and by reason of its expensive methods, inevitable political excitement over candidates, new issues and the possibility of a change of policy by new administrations, especially as to the tariff and finances, involves the commercial interests of the country in a condition of unrest and uncertainty, producing a partial paralysis of business activities and delaying promotion of new undertakings for at least one year before and possibly for some time subsequent to, the election of a Chief Executive: Therefore be it

Resolved, That, as a measure of the greatest import to the manufacturing and commercial interests, wage earners, and the people generally, by reason of a consequent longer period of industrial tran-

quility and prosperity, also as a means of relieving the President of many annoyances that seriously interfere with the unrestricted discharge of his official duties to the people, the National Business League hereby recommends an amendment to the Constitution of the United States, fixing the presidential term at six years and making the Chief Executive ineligible for reelection; and be it also

Resolved, That the National Business League hereby adopts the proposition as an important subject of its efforts for the common good, on which its best endeavors shall be directed until the aforesaid proposed amendment is duly ratified by the States and confirmed by the Congress of the United States; and be it further

Resolved, That copies of these resolutions be sent to each Member of the Senate and House of Representatives at Washington, to all manufacturers, commercial organizations, prominent business firms, and the press throughout the country.

[Editorial from the Chicago Evening Post, Aug. 17, 1904.]

SIX-YEAR PRESIDENTIAL TERM.

Elsewhere in this issue the Evening Post presents the views of prominent business and professional men of the country regarding the movement set afoot by the National Business League to secure an amendment to the Constitution of the United States which would lengthen the presidential term to six years and make the Chief Executive ineligible for reelection. The reasons advanced for the change are eminently sound and the Evening Post heartily indorses the proposition.

As the league points out in the letter which invited the responses printed, presidential campaigns now are too frequent, enormously expensive to business interests, and sure creators of turmoil and uncertainty "to the great disadvantage of capital and labor." They "indefinitely prevent the beginning and check the growth of industrial enterprises," and presidential years show a decidedly bad effect on commercial transactions generally.

Such arguments as the foregoing must appeal with peculiar force to business interests everywhere; but the fourth reason given by the league should have the thoughtful consideration of every citizen: "The President during his first term naturally being anxious to succeed himself is kept busy considering the demands of politicians and planning for a second term; meanwhile important legislation for the general good waits."

Commenting on this Judge Tuley says that such a constitutional amendment "will mean the overthrow of the 'boss' and 'machine' government of the people now existing." Deprived of patronage the "boss" and the "machine" must cease to exist. Then, in the words of Judge Tuley, "the people will again govern themselves."

Of the hundreds of replies received by the league not more than 1 per cent are unfavorable or indifferent to the movement. It is a plan certain to be indorsed by every business interest in the country. Add to this the desirableness of a return to genuine self-government through freeing the President from the dictation of the political "boss" and the political "machine" and we easily may foresee hearty popular commendation of the initiative taken by the National Business League.

The practical politician may oppose the movement because he is the only one to be hurt by its success. But let it once be clearly understood that the people and the business interests desire the amendment; that the welfare of the Nation demands it, and there will be few States in the Union that will hesitate to give to Congress the necessary authority to act finally once the question is submitted to them.

[Editorial from Chicago Evening Post, Oct. 24, 1904.]

THE SIX-YEAR TERM.

To-day the Evening Post prints a second installment of letters that have come to the National Business League of Chicago in response to its proposal regarding a six-year single-tenure term for the President of the United States. These letters show that the efforts of the league are systematic and well organized; but they show, with equal force, that the business interests of the country are taking up this matter with an earnestness that promises ultimate success.

As clearly brought out in this and the previous article in the Evening Post, there are many strong arguments in favor of the proposition and very few against it. Here and there a politician objects to lengthening the presidential term, and especially to making an incumbent of the high office ineligible for reelection, but the reasons given are among the most convincing arguments offered in support of the change—they show so plainly the manifest evils of the present system.

The National Business League is not unmindful of the difficulties that lie in the way of securing any amendment to the National Constitution, but it realizes the vast power and influence that must be wielded by the united business interests of this preeminently commercial Nation. It does not follow that because the only amendments made to the Constitution since its adoption were a result of war that nothing but war can secure an amendment. Great changes have taken place in this country and in the world since the latest additions were made to the fundamental law of the United States, not the least of which is the growing general recognition that the advances due to peaceful agitation are more likely to be safe and permanent than those forced by the sword.

What our business interests demand they sooner or later succeed in getting. The National Business League is securing the cordial cooperation of other business organizations and of influential men throughout the country. It has announced its determination not to relax its efforts until a satisfactory conclusion is reached. In this fact rests the greatest promise of success. The presidential election seriously disturbs business; the eligibility of the President to reelection has a baneful effect on our political life. Thurman said: "You will never have any genuine reform in the civil service until you adopt the one-term principle in reference to the Presidency."

Business wishes to have these periods of disturbance farther apart; the increasing number of independent citizens desires a genuine civil-service reform, cleaner politics, fewer opportunities for corruption in public life. These forces are certain to unite in support of the constitutional amendment advocated by the National Business League, and, once united, the object of their concerted effort is certain of attainment.

It is a very difficult but not an impossible thing to amend the Constitution of the United States, and in this age of unparalleled commercial and industrial activity we can fancy no more likely amendment than one intended primarily to protect and conserve our business interests.

[Editorial from the Chicago Daily News.]

In urging the adoption of a constitutional amendment extending the presidential term to six years, and forbidding the reelection of a

Chief Magistrate of the Nation, the executive committee of the National Business League has thrown its influence on the side of an important reform.

The business men of the country realize keenly that with the presidential year they are entering upon a period of political turmoil which in the existing circumstances is worse than useless. There are no great issues pressing for settlement. The country is prosperous and contented. Yet the approach of the national campaign has set the demagogues at work hunting issues and manufacturing party cries merely to get the voters stirred up and to render the public uneasy and apprehensive. The psychological effect of all this must be to spread the blight of uncertainty and vague alarm in business affairs, to the grievous hurt of the people generally. Why not lengthen the presidential term and thus reduce the number of these costly disturbances?

Students of political conditions are well aware that the first term of every President is largely influenced by the desire of himself and his supporters in and out of office to prepare the way for his reelection. Thus it comes about that the inducements to run the administration so as to gratify the President's personal ambition are almost irresistible. The interests of millions of people are continually subordinated to his longing for a second term.

To give the President a term of six years, with no possibility of obtaining a second under any circumstances, would be to bestow upon the country a larger measure of tranquillity and a government genuinely planned to promote the general welfare.

[From the Chicago Record-Herald.]

No doubt the argument that will appeal most strongly to the business interests of the country, in fact to all men who love the peaceful pursuit of productive industry, is found in the fact that a six-year term would make the intervals between presidential campaigns longer and the disturbance of business conditions less frequent. The average business man does not believe that his aversion to political excitement and upheaval is incompatible with patriotism. He is willing to have the country "set on fire" by the spellbinders and business suspended for a few months in order to elect a President, provided it doesn't come too often. Once every six years would suit him perfectly.

But to most men who are familiar with politics and politicians the strongest feature of the proposed amendment is the one-term idea. If the President were ineligible for reelection, he would be absolutely free and untrammelled in the administration of his high office. He need not be hampered by the hungry horde of place hunters that generally dogs the steps of the President for months after his election. The business of "laying wires" to hold State delegations for a future nominating convention would be a thing of the past. The most high-minded, patriotic President is not free from an ambition to succeed himself. It is too much to expect him to offend the leaders who control the sources of party power, even though a high sense of public duty may seem at times to demand it.

The six-year-one-term idea for President will grow in popular favor the more its very obvious benefits are studied and understood.

[Editorial from the Chicago Daily Journal, June 18, 1904.]

CHANGING THE PRESIDENTIAL TENURE.

The proposition to extend the presidential term to six years and to render the occupant ineligible for reelection will find favor in the business world.

Many good reasons for the change are set forth by the National Business League, which has taken the matter up with a vigor and persistence worthy of success.

It is claimed that presidential campaigns are too frequent, too expensive, and too disturbing in their effects upon business.

It is shown by the league that presidential years are marked by an increase of business failures and by a decrease of exports, bank clearings, stock sales, and commercial transactions generally.

Certainly these are strong reasons why national campaigns should not so frequently disturb the country.

But they will not appeal so readily to public sentiment as the second proposition—limiting the President to a single term.

The most serious menace to our republican form of government is the liberty afforded an ambitious Chief Executive, with unlimited patronage at his disposal, to build up a machine and continue himself in office.

While such power exists the people, no matter how ardently they may desire a change, are practically helpless.

Fortunately few of our Presidents have been disposed to exercise this unbridled advantage. The time may come, however, when its employment by an unscrupulous occupant of the White House will reveal to the people their political impotency.

Not the business interests of the country alone but the whole people are interested in the preservation of whatever rights the electorate may have in the choice of a Chief Magistrate.

IN RE A SINGLE SIX-YEAR TERM FOR THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Whereas on May 21, 1912, the Committee on the Judiciary of the United States Senate reported favorably the Senate joint resolution No. 78, introduced by Mr. WORKS of California, the text being as follows:

"The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years; and no person who has held the office by election, or discharged its powers or duties, or acted as President under the Constitution and laws made in pursuance thereof, shall be eligible to again hold the office by election.

"The President, together with a Vice President chosen for the same term, shall be elected as follows."

Therefore be it
Resolved, That the board of directors of the National Business League of America hereby indorses the said Senate joint resolution No. 78, as favorably reported by the Committee on the Judiciary.

Chicago, January 14, 1913.

GEO. W. SHELTON,
President.
AUSTIN A. BURNHAM,
General Secretary.

ARMY AND NAVY UNION.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 239) author-

izing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America, reported it without amendment and submitted a report (No. 1122) thereon.

MOUNT OLIVET CEMETERY LANDS, SALT LAKE COUNTY, UTAH.

Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (S. 8092) granting to the Emigration Canon Railroad Co., a corporation of the State of Utah, permission, in so far as the United States is concerned, to occupy for a right of way for its railroad track a certain piece of land now included in the Mount Olivet Cemetery, Salt Lake County, Utah, and I submit a report (No. 1120) thereon. I ask for the immediate consideration of the bill.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

Mr. CULBERSON. From what committee does it come?

Mr. SMOOT. From the Committee on Public Lands.

Mr. CULBERSON. Is it a unanimous report?

Mr. SMOOT. It is a unanimous report, Mr. President.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Emigration Canon Railroad Co., a corporation of the State of Utah, is hereby granted permission, in so far as the United States is concerned, to occupy, for a right of way for its railroad track, that piece of land now included in the Mount Olivet Cemetery, Salt Lake County, Utah, particularly bounded and described as follows: Commencing at a point 169 feet east and 100 feet north of the southwest corner of the Fort Douglas Military Reservation, in Salt Lake County, Utah; thence northwesterly rounding a twenty-degree curve, a distance of 351.99 feet, to a point on the west line of the said military reservation, a distance of 387.9 feet north from the southwest corner of said reservation; thence south to a point 100 feet north of the southwest corner of said Fort Douglas Military Reservation; thence east a distance of 169 feet to place of beginning; containing in all 0.319 acre.

Mr. BRISTOW. My attention was diverted. What is the bill, and what is the request?

Mr. SMOOT. By an act of Congress approved January 23, 1909, a portion of this reservation, amounting to about 50 acres, was conveyed by deed to the Mount Olivet Cemetery Association, Salt Lake, for the burial of the dead, with the reservation that it should be used for that purpose, and when not so used it should revert to the Government of the United States.

The Emigration Railroad has a track upon one side of it, and has had for years. At the end of it there is a 5½ per cent grade with a seventy-degree curve, and it is quite dangerous. The Mount Olivet Cemetery people are perfectly willing that the railroad company should take about one-third of an acre of the corner of the land so as to make a curve instead of a sharp turn.

There is no objection on the part of the department and no objection on the part of the cemetery people. It is simply obviating a very dangerous situation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BAY CITY, TEX.

Mr. CULBERSON. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 7639) to provide for the erection of a public building in the city of Bay City, in the State of Texas, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes to be erected upon the site already acquired in the city of Bay City, Tex., a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office in the city of Bay City, Tex., the cost of the building, including vaults, heating and ventilating apparatus, elevators, and approaches complete not to exceed \$75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CROW INDIANS OF MONTANA.

Mr. CHAMBERLAIN. I reported yesterday a resolution from the Committee on Indian Affairs, and it was discussed at some length. I desire now to renew the request for unanimous consent to consider that resolution.

The PRESIDING OFFICER. The resolution will be stated.

The SECRETARY. Senate resolution 352, authorizing the Secretary of the Interior to furnish information to the Attorney

General and the Attorney General to make an investigation and bring action in reference to the affairs of the Crow Indians.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDING OFFICER. The amendment of the Committee on Indian Affairs will be read.

The SECRETARY. The Committee on Indian Affairs report to strike out all after the resolving clause and to insert:

That the Attorney General be, and he is hereby, authorized to investigate the affairs of the Crow Indians of Montana and to bring and prosecute such action as may be necessary to protect the interests and secure the rights of such Indians, or of any member of them, and all departments of the Government are authorized to turn over to the Attorney General such records, papers, and other information as he may require to make such investigation or bring such action.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

JACOB M. COOPER.

Mr. SANDERS. From the Committee on Military Affairs I report back favorably, without amendment, the bill (S. 3859) for the relief of Jacob M. Cooper, and I submit a report (No. 1121) thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Jacob M. Cooper, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Twenty-second Regiment United States Infantry, July 18, 1868. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWNSEND:

A bill (S. 8161) to provide for the erection of a public building in the city of Midland, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Maine:

A bill (S. 8162) granting an increase of pension to Joseph A. Libby; to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 8163) granting an increase of pension to Mary E. Allen (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8164) granting an increase of pension to Ellen M. Vinton (with accompanying papers);

A bill (S. 8165) granting an increase of pension to Don Pedro Griswold (with accompanying papers);

A bill (S. 8166) granting an increase of pension to Sarah J. Wheatley (with accompanying papers); and

A bill (S. 8167) granting an increase of pension to Anna R. Atwood (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 8168) for the relief of George F. Schild; to the Committee on Claims.

A bill (S. 8169) for the protection and increase of State game preserves; to the Committee on Agriculture and Forestry.

By Mr. CURTIS:

A bill (S. 8170) granting an increase of pension to Monroe Garrett;

A bill (S. 8171) granting an increase of pension to Isaac M. White;

A bill (S. 8172) granting a pension to Thomas Taylor Moss; and

A bill (S. 8173) granting an increase of pension to Georgiana Packard; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 8174) granting an increase of pension to James W. New (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 8175) granting a pension to Durance R. McFeely (with accompanying papers); and

A bill (S. 8176) granting an increase of pension to Benjamin F. Havens (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8177) to prevent the transportation by interstate commerce of adulterated, concentrated, commercial feeding material for domestic animals and poultry, and providing a penalty for the violation of the act; to the Committee on Interstate Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate \$12,000 for grading and macadamizing Longfellow Street in the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DIXON submitted an amendment proposing to increase the appropriation for continuing the construction of irrigation systems to irrigate the allotted lands of Indians on the Flathead Reservation in Montana, etc., from \$150,000 to \$400,000, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,573.25 to pay Omer D. Lewis, lease clerk at the Flathead Indian Agency, Mont., for expenses incurred for hospital and doctors' fees for personal injuries received while aiding Federal officers in suppressing the sale of liquor to Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. BROWN submitted an amendment proposing to appropriate \$1,200 to repair the Government bridge across the Niobrara River in Knox County, Nebr., for the use of the Santee and Ponca Indians, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which was referred to the Committee on Pensions and ordered to be printed.

FOREST RESERVES IN WASHINGTON.

Mr. JONES submitted the following resolution (S. Res. 434), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture be, and he is hereby, directed to report to the Senate at as early a date as possible the names of the forest reserves in the State of Washington; the area of each; the number of homestead entries allowed in each under the act of June 11, 1906; the number of ranger stations in each and the area reserved for ranger purposes; the number of acres under cultivation in connection with ranger stations; the number of applications that are now pending under said act of June 11, 1906; the number rejected and the number allowed in each of said reserves.

FRIEDMANN CURE FOR TUBERCULOSIS (S. DOC. NO. 1018).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Public Health and National Quarantine, and ordered to be printed:

To the Senate of the United States:

I transmit herewith a memorandum of the Secretary of State, inclosing a report prepared by the consul general at Berlin, in regard to the Friedmann cure for tuberculosis.

The report is sent in reply to a resolution of the Senate of January 2, 1913, by which I am requested to submit to the Senate the results of any investigation of the Friedmann cure made or being made by the American consul general in Germany or any other officer of the United States.

WM. H. TAFT.

THE WHITE HOUSE, January 16, 1913.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Immigration:

H. R. 19544. An act to amend section 9 of the immigration act approved February 20, 1907; and

H. R. 20195. An act to amend the naturalization laws.

ABATEMENT OF NUISANCES.

Mr. CURTIS. I ask unanimous consent for the present consideration of the bill (S. 5861) to enjoin and abate houses of

lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof. The bill was read in full on the 13th.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CRAWFORD. Is that a bill which is going to provoke discussion?

Mr. CURTIS. I think not. I will not press it if it does.

Mr. CRAWFORD. I will not object if it leads to no discussion.

Mr. CURTIS. I will withdraw it, if there is any trouble.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "own," to insert "occupy," so as to read:

That whoever shall erect, establish, continue, maintain, use, own, occupy, or re-lease any building, erection, or place used for the purpose of lewdness, assignation, or prostitution in the District of Columbia is guilty of a nuisance, and the building, erection, or place, or the ground itself in or upon which such lewdness, assignation, or prostitution is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, musical instruments, and contents are also declared a nuisance, and shall be enjoined and abated as hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 6, after the word "section," to strike out the following:

For removing and selling the movable property the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 22, after the word "to," to insert "the," and on page 7, line 6, after the word "act," to strike out "excepting that 10 per cent of the amount collected shall be paid by the collector of taxes to the attorney representing the United States for the District of Columbia in the injunction action at the time of final judgment," so as to read:

In case the assessor fails or neglects to make said assessment the same shall be made by the chief of police, and a return of said assessment shall be made to the collector of taxes. Said tax shall be a perpetual lien upon all property, both personal and real, used for the purpose of maintaining said nuisance, and the payment of said tax shall not relieve the person or building from any other penalties provided by law. The provisions of the law relating to the collection and distribution of taxes upon personal and real property shall govern in the collection and distribution of the tax herein prescribed in so far as the same are applicable and not in conflict with the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 7, to strike out section 9, in the following words:

Sec. 9. That this act shall take effect and be in force 90 days after its passage.

The amendment was agreed to.

The next amendment was, on page 7, to insert a new section, as follows:

Sec. 9. The United States district attorney or other attorney representing the prosecution for violation of this statute, with the approval of the court, may grant immunity to any witness called to testify in behalf of the prosecution.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

Mr. CRAWFORD. I ask that the Senate resume the consideration of House bill 19115, known as the omnibus claims bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts.

Mr. CRAWFORD. Mr. President, there are two or three amendments from the Committee on Claims in relation to longevity or overtime navy-yard charges, exactly similar to those which have already been incorporated in the bill. I will send them to the desk and ask to have them adopted:

The PRESIDING OFFICER. The amendments proposed by the Senator will be stated.

The SECRETARY. On page 153, after line 12, it is proposed to insert the following:

To Joseph M. Padgett, \$451.09.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. It is also proposed, on page 157, after line 14, to insert the following:

To Hannah McCray, widow of John McCray, deceased, \$362.67.

To James H. Macon, sr., \$126.50.

The amendment was agreed to.

The PRESIDING OFFICER. Does the Senator desire to have the findings in these cases printed in the RECORD?

Mr. CRAWFORD. I do.

The PRESIDING OFFICER. It will be so ordered.

Mr. CRAWFORD. I also submit an amendment covering several cases, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 203, after line 18, it is proposed to insert:

To Eleanor L. and Henry C. Lovell, sole heirs of Henry C. Lovell, deceased, \$906.66.

To Annie I. Fernald Crowell, widow (remarried) of Alonzo Fernald, deceased, \$386.40.

To Margaret A. Norton, widow of Daniel C. Norton, deceased, \$596.86.

To Emma S. Wherren, administratrix of James W. Wherren, deceased, \$140.43.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to, and the findings will be printed in the RECORD.

The findings referred to are as follows:

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, June 3, 1912.

HON. JAMES S. SHERMAN,
President of the Senate.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact and conclusion filed by the court in the aforesaid cause, which case was referred to this court by resolution of the United States Senate under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

[Court of Claims. Congressional, No. 13727. Subnumbers 237 and 239. 237, Hannah McCray, widow of John McCray, deceased; 239, James H. Macon, sr., v. The United States. Pensacola Navy Yard.]

STATEMENT OF CASE.

This is a claim for the payment of the above-named claimants for services rendered at the Pensacola Navy Yard between March 21, 1878, and September 22, 1882, for extra labor above the legal day of eight hours.

On the 22d day of May, 1908, the United States Senate referred to the court a bill in the following words:

"[S. 6702, Sixtieth Congress, first session.]

"A bill for the relief of John W. Knight and others.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John W. Knight, and to the others who have joined with him in a petition to this Congress, dated April 6, 1908, the amounts that may be found due to each of them, respectively, for extra labor, above the legal day of 8 hours, while employed by the United States as workmen, laborers, or mechanics of the various navy yards of the United States, performed by them by reason of and under the provisions of Circular No. 8, issued by the Secretary of the Navy on March 21, 1878."

Thereafter the claimants named above, and each of them, offered and filed their respective petitions herein, in which they, and each of them, aver substantially as follows:

That between March 21, 1878, and the 21st day of September, 1882, they, and each of them, were employed by the Government of the United States at the navy yard at Pensacola, Fla.; that on the 21st day of March, 1878, the Secretary of the Navy issued the order referred to in claimant's petition, known as "Circular No. 8" and set forth in Finding I herein.

That during the six months in each year from the date of said order to the 21st day of September, 1882, they worked during all or a portion of the time they were so employed in excess of eight hours per day, and that they, and each of them, were paid for only eight hours' work per day for the time that they were so employed during said period, and that they, and each of them, are entitled to the amounts set forth in their respective petitions, being the pay for all time worked during said period in excess of eight hours per day.

The case was brought to a hearing on the evidence and merits on the 8th day of January, 1912.

Messrs. Clarence W. De Knight and Brandenburg & Brandenburg appeared for the claimants, and the Attorney General, by Percy M. Cox, Esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Between the 21st day of March, 1878, and the 22d day of September, 1882, the claimants herein, or their decedents, and each of

them, were in the employ of the United States in the navy yard at Pensacola, Fla., during which time the following order was in force: Circular No. 8.]

NAVY DEPARTMENT,
Washington, D. C., March 21, 1878.

The following is hereby substituted, to take effect from this date, for the circular of October 25, 1877, in relation to the working hours at the several navy yards and shore stations:

The working hours will be, from March 21 to September 21, from 7 a. m. to 6 p. m.; from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner.

The department will contract for the labor of mechanics, foremen, leading men, and laborers on the basis of eight hours a day. All workmen electing to labor ten hours a day will receive a proportionate increase of their wages.

The commandant will notify the men employed or to be employed of these conditions, and they are at liberty to continue or accept employment under them or not.

R. W. THOMPSON,
Secretary of the Navy.

II. Said claimants, and each of them, or their decedents, while in the employ of the United States as aforesaid, worked on the average the number of hours set opposite their respective names in excess of 8 hours a day at the wages stated, to wit: 237, John McCray, 1,450½ hours, at \$2 per day; 239, James H. Macon, sr., 1,661 hours, at \$1.50 per day; 33 hours, at \$1 per day; 419½ hours, at \$1.74 per day.

III. If it is considered that 8 hours constituted a day's work during the period from March 21, 1878, to September 22, 1882, under said Circular No. 8, then the claimants, or their decedents, have been underpaid the sums set opposite their respective names, as follows: Hannah McCray, widow of John McCray, deceased, \$362.67.

James H. Macon, sr., \$126.50.

IV. Said claims were never presented to any department or officer of the Government prior to their presentation to Congress and reference to the court as hereinbefore set forth in the statement of the case, and no competent evidence is adduced to show why claimants did not earlier prosecute their said claims.

CONCLUSION.

Upon the foregoing findings of fact the court concludes that the claims herein are not legal ones against the United States, and are equitable only in the sense that the United States received the benefit of the services of claimants, or their decedents, in excess of 8 hours a day, as above set forth.

BY THE COURT.

Filed February 12, 1912.

A true copy.

Test this 29th day of May, 1912.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, June 14, 1912.

HON. JAMES S. SHERMAN,
President of the Senate.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact and conclusion filed by the court in the aforesaid cause, which case was referred to this court by resolution of the United States Senate, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

[In the Court of Claims of the United States. Congressional, No. 15476—23, 27, 32. No. 23, Annie I. Fernald Crowell, widow (remarried) of Alonzo Fernald, deceased; No. 27, Margaret A. Norton, widow of Daniel C. Norton, deceased; No. 32, Emma S. Wherren, administratrix of James W. Wherren, deceased, v. The United States.]

The claims herein are for services rendered by claimants at the Portsmouth (N. H.) Navy Yard between March 21, 1878, and September 22, 1882, for extra labor above the legal day of eight hours.

On the 19th day of February, 1908, the United States Senate by resolution referred to the court Senate bill No. 5528, which is in the following words:

"A bill for the relief of Joseph M. Padgett and others.

"Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph M. Padgett, and to the others who have joined with him in a petition to this Congress, dated February 17, 1908, the amounts that may be found due to each of them, respectively, for extra labor above the legal day of eight hours, while employed by the United States as workmen, laborers, or mechanics at the various navy yards of the United States, performed by them by reason and under the provisions of Circular No. 8, issued by the Secretary of the Navy on March 21, 1878."

Thereafter, the claimants above named appeared and filed their petitions in this court, in which they aver substantially as follows:

That between March 21, 1878, and September 21, 1882, they were employed by the Government of the United States at the navy yard at Portsmouth, N. H.; that on March 21, 1878, the Secretary of the Navy issued the order referred to in claimants' petitions, known as "Circular 8," and hereinafter set forth in Finding I.

That during the six months in each year from the date of said order to the 21st day of September, 1882, they worked during all or a portion of the time they were so employed during said period, and that they are entitled to the value of the time worked in excess of eight hours a day.

The cases were brought to a hearing on the evidence and merits on the 28th day of May, 1912.

Messrs. Brandenburg & Brandenburg and Clarence W. De Knight appeared for the claimants, and the Attorney General, by Percy M. Cox, Esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Between the 21st day of March, 1878, and the 22d day of September, 1882, the decedents herein were in the employ of the United

States in the navy yard at Portsmouth, N. H., during which time the following order was in force:
Circular No. 8.]

NAVY DEPARTMENT,
Washington, D. C., March 21, 1878.

The following is hereby substituted, to take effect from this date, for the circular of October 25, 1877, in relation to the working hours at the several navy yards and shore stations:

The working hours will be, from March 21 to September 21, from 7 a. m. to 6 p. m., from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner.

The department will contract for the labor of mechanics, foremen, leading men, and laborers on the basis of eight hours a day. All workmen electing to labor ten hours a day will receive a proportionate increase in their wages.

The commandants will notify the men employed or to be employed of these conditions, and they are at liberty to continue or accept employment under them or not.

R. W. THOMPSON,
Secretary of the Navy.

II. Said decedents and each of them, while in the employ of the United States as aforesaid, worked on the average the number of hours set opposite their respective names in excess of eight hours a day and at the wages below stated, to wit:

	Hours.
No. 23. Alonzo Fernald, at \$3 per day-----	1,030½
No. 27. Daniel C. Norton:	
At \$3 per day-----	1,438
At \$2.74 per day-----	10
At \$3.26 per day-----	133
No. 32. James W. Wherren, at \$3 per day-----	374½

III. If it is considered that eight hours constituted a day's work during the period from March 21, 1878, to September 22, 1882, under said Circular No. 8, then claimants' decedents have been underpaid the sums set opposite their respective names, as follows:

No. 23. Annie I. Fernald Crowell, widow (remarried) of Alonzo Fernald, deceased, \$386.40.
No. 27. Margaret A. Norton, widow of Daniel C. Norton, deceased, \$596.86.
No. 32. Emma S. Wherren, administratrix of James W. Wherren, deceased, \$140.43.

IV. The claim of Alonzo Fernald was filed in this court in 1888 under No. 16321, general jurisdiction, and same was dismissed in 1906 for want of prosecution, and no reason is given why the claim was not prosecuted to a final judgment in this court.

Except as above stated, the claims herein were never presented to any department or officer of the Government prior to the presentation thereof to Congress and reference to this court as set forth in the statement of the case, and no evidence is adduced to show why said claimants did not earlier prosecute their claims.

CONCLUSION.

Upon the foregoing findings of fact the court concludes that the claims herein are not legal ones against the United States and are equitable only in the sense that the United States received the benefit of the services of said decedents in excess of eight hours a day as above set forth.

BY THE COURT.

Filed June 3, 1912.
A true copy.
Test this 13th day of June, 1912.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, June 14, 1912.

HON. JAMES S. SHERMAN,
President of the Senate.

Sir: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact and conclusions filed by the court in the aforesaid cause, which case was referred to this court by resolution of the United States Senate, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

[In the Court of Claims of the United States. Congressional, No. 14188-70. Eleanor L. and Henry C. Lovell, sole heirs of Henry C. Lovell, v. The United States. Portsmouth (N. H.) Navy Yard.]

STATEMENT OF CASE.

This is a claim for payment of the above-named claimants for services rendered at the Portsmouth (N. H.) Navy Yard, between March 21, 1878, and September 22, 1882, for extra labor above the legal day of eight hours.

On the 22d day of May, 1908, the United States Senate referred to the court a bill in the following words:

"[S. 6702, Sixtieth Congress, first session.]

"A bill for the relief of John W. Knight and others.

"Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated to John W. Knight and to the others who have joined with him in a petition to this Congress, dated April 6, 1908, the amounts that may be found due to each of them, respectively, for extra labor above the legal day of eight hours while employed by the United States as workmen, laborers, or mechanics of the various navy yards of the United States, performed by them by reason of and under the provisions of Circular No. 8, issued by the Secretary on March 21, 1878."

Thereafter the claimants above named, and each of them, offered and filed their respective petitions herein in which they, and each of them, aver substantially as follows:

That between March 21, 1878, and the 21st day of September, 1882, they and each of them were employed by the Government of the United States at the navy yard at Portsmouth, N. H.; that on the 21st day of March, 1878, the Secretary of the Navy issued the order referred to in claimant's petition, known as "Circular No. 8," and set forth in Finding I herein.

That during the six months in each year from the date of said order to the 21st day of September, 1882, they worked during all of a portion of the time they were so employed in excess of eight hours per day, and that they, and each of them, were paid only for eight hours' work per

day for the time that they were so employed during said period, and that they, and each of them, are entitled to the amounts set forth in their respective petitions, being the pay for all time worked during said period in excess of eight hours per day.

The case was brought to a hearing on the evidence and merits on the 29th day of May, 1912.

Messrs. Clarence W. De Knight and Brandenburg & Brandenburg appeared for the claimants, and the Attorney General, by Percy M. Cox, Esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Between the 21st day of March, 1878, and the 22d day of September, 1882, the claimants herein, or their decedents, and each of them, were in the employ of the United States in the navy yard at Portsmouth, N. H., during which time the following order was in force:

NAVY DEPARTMENT,
Washington, D. C., March 21, 1878.

The following is hereby substituted, to take effect from this date, for the circular of October 25, 1877, in relation to the working hours at the several navy yards and shore stations:

The working hours will be, from March 21 to September 21, from 7 a. m. to 6 p. m.; from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner.

The department will contract for the labor of mechanics, foremen, leading men, and laborers on the basis of eight hours a day. All workmen electing to labor ten hours a day will receive a proportionate increase of their wages.

The commandant will notify the men employed, or to be employed, of these conditions, and they are at liberty to continue or accept employment under them or not.

R. W. THOMPSON,
Secretary of the Navy.

II. Said decedent while in the employ of the United States as aforesaid worked on the average 1,450½ hours in excess of eight hours a day, at the rate of \$5 per day.

III. If it is considered that eight hours constituted a day's work during the period from March 21, 1878, to September 22, 1882, under said Circular No. 8, then said decedent has been underpaid the sum of \$906.66.

IV. The claim herein was filed in this court in 1888 under No. 16321, general jurisdiction, and was dismissed in 1906, for want of prosecution, and no reason is given why said claim was not prosecuted to final judgment in this court.

Except as above stated, the claim was never presented to any officer or department of the Government prior to its presentation to Congress and reference to this court, as set forth in the statement of the case, and no evidence is adduced to show why said claimants did not earlier prosecute the claim.

CONCLUSION.

Upon the foregoing findings of fact the court concludes that the claim herein is not a legal one against the United States, and is equitable only in the sense that the United States received the benefit of the services of said decedent in excess of eight hours a day, as above set forth.

BY THE COURT.

Filed June 3, 1912.
A true copy.
Test this 13th day of June, 1912.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. BRADLEY. I offer an amendment, to which the chairman of the committee has agreed.

Mr. CRAWFORD. It is a longevity claim, and is exactly similar to the others we have provided for in the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kentucky will be stated.

The SECRETARY. On page 261, after line 10, it is proposed to insert the following:

To William L. Marshall, of Washington, \$1,786.27.

The amendment was agreed to.

The PRESIDING OFFICER. The findings of the Court of Claims in the case will be printed in the RECORD.

The findings referred to are as follows:

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, May 31, 1912.

Sir: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

HON. CHAMP CLARK,
Speaker of the House of Representatives.

[Court of Claims of the United States. Congressional, No. 15589. William L. Marshall v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for longevity pay alleged to be due on account of the services of claimant in the United States Army was transmitted to the court by the Committee on War Claims of the House of Representatives on the 21st day of December, 1911, under the act of March 3, 1883, known as the Bowman Act.

The case was brought to a hearing on its merits on the 8th day of May, 1912.

Richard R. McMahon, Esq., appeared for the claimant, and the Attorney General, by George M. Anderson, Esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the city of Washington, District of Columbia.

That he served as an enlisted man in Company A, Tenth Kentucky Cavalry, from August 16, 1862, to September 17, 1863; that he entered the United States Military Academy as a cadet July 1, 1864.

That he was appointed brevet second lieutenant of Engineers June 15, 1868; was promoted to be second lieutenant February 22, 1869; first lieutenant June 21, 1871; captain June 18, 1882; major May 10, 1895; lieutenant colonel April 23, 1904; colonel August 27, 1907; brigadier general, Chief of Engineers, July 2, 1908; accepted July 6, 1908; and was retired June 11, 1910.

That during the period of the petitioner's service as a commissioned officer in the Army of the United States the following statutory provisions respecting longevity pay were in force:

"That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the Army of the United States." (Act of July 5, 1838, sec. 15; 5 Stat. L., p. 258.)

"There shall be allowed and paid to each commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each term of five years' service." (Act of July 15, 1870, now sec. 1262, R. S.)

"* * * the actual time of service in the Army and Navy, or both, shall be allowed all officers in computing their pay." (Act of Feb. 24, 1881; 21 Stat. L., p. 346.)

That under a decision of the Second Comptroller of the Treasury, made July 24, 1838, the accounting officers of the Treasury, in the settlement of the petitioner's accounts, did not count his service at the Military Academy in computing his longevity pay and allowances for service prior to February 24, 1881.

That upon the construction of the act of July 5, 1838, by the Supreme Court of the United States, in the case of *United States v. Watson* (130 U. S., 80), the petitioner made application to the proper accounting officers of the Treasury for a settlement of his longevity pay and allowances in accordance with said decision, and, under the then prevailing ruling that service as a cadet could not be counted in computing longevity pay and allowances for service prior to February 24, 1881, petitioner's application was rejected December 13, 1890.

That upon the revocation of that ruling by the Comptroller of the Treasury on May 18, 1908, the petitioner again made application to the accounting officers of the Treasury for settlement of the longevity pay and allowances due him for service prior to February 24, 1881, but the Auditor for the War Department, October 21, 1909, refused to consider the petitioner's claim because it had been previously disallowed by the settlement of 1890.

That by this action of the accounting officers, in refusing to allow petitioner credit for his service at the Military Academy prior to February 24, 1881, there has been withheld from the petitioner the sum of \$1,795.49, the amount he would have received had he been dealt with according to law.

That this claim had not been paid, assigned, or transferred, in whole or in part, and that petitioner has all his life been loyal to the Government of the United States.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. The claimant herein, William L. Marshall, is a citizen of the United States, residing in the District of Columbia. He served as a private in the Tenth Kentucky Volunteer Cavalry from August 16, 1862, to September 17, 1863. He entered the United States Military Academy as a cadet July 1, 1864, and graduated therefrom and was appointed brevet second lieutenant of Engineers June 15, 1868. He was promoted to be second lieutenant February 22, 1869; first lieutenant June 21, 1871; captain June 15, 1882; major May 10, 1895; lieutenant colonel April 23, 1904; colonel August 27, 1907; brigadier general, Chief of Engineers, July 6, 1908; and was retired June 11, 1910.

He was paid his first longevity increase from June 15, 1873; second from June 15, 1878; third from May 14, 1882; and fourth longevity increase from November 1, 1884; and by settlements the accounting officers of the Treasury have allowed claimant longevity increase under the decisions of the Supreme Court in the cases of *Tyler* (105 U. S., 244) and *Morton* (112 U. S., 1), but said officers disallowed his claim for longevity increase under the *Watson* decision.

II. Under the decision of the Supreme Court in the case of *United States v. Watson* (130 U. S., 80) said claimant would be entitled to additional allowance, as reported by the Auditor for the War Department, amounting to \$1,786.27.

BY THE COURT.

Filed May 13, 1912.

A true copy.

Test this 29th day of May, 1912.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. GALLINGER. I submit an amendment, it being a longevity claim. I also ask that the findings relating thereto may be printed in the RECORD.

Mr. CRAWFORD. There is no objection on the part of the committee to the amendment proposed by the Senator from New Hampshire. It is the same as the others.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 263, after line 5, it is proposed to insert the following:

To James W. Scully, of Atlanta, \$2,341.12.

The amendment was agreed to.

The PRESIDING OFFICER. The findings in the case will be printed in the RECORD.

The findings referred to are as follows:

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, May 31, 1912.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid case, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

[Court of Claims of the United States. Congressional, No. 15326. James W. Scully v. The United States.]

STATEMENT OF CASE.

This case was referred to the court by the Committee on War Claims of the House of Representatives on the 15th day of August, 1911, under the act of March 3, 1883, known as the Bowman Act.

The case was brought to a hearing on its merits on the 8th day of May, 1912.

Richard R. McMahon, Esq., appeared for the claimant, and the Attorney General, by George M. Anderson, Esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the city of Atlanta, in the State of Georgia.

That he served in the United States Army as an enlisted man from September 20, 1856, to September 20, 1861; was appointed first lieutenant and regimental quartermaster Tenth Tennessee Infantry July 14, 1862; lieutenant colonel August 21, 1863; colonel June 6, 1864; and was honorably mustered out of the volunteer service May 25, 1865; was appointed captain and assistant quartermaster in the Regular Army September 27, 1865, and accepted October 2, 1865; was appointed major and quartermaster January 25, 1883; lieutenant colonel and deputy quartermaster general September 12, 1894; colonel and assistant quartermaster general February 4, 1898; was retired November 1, 1900, after having been in the service more than 42 years, at his own request, and was given the rank of brigadier general, retired, April 23, 1904.

That during the period of petitioner's service as a commissioned officer in the Army of the United States the following statutory provisions respecting longevity pay were in force:

"That every commissioned officers of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the Army of the United States." (Act of July 5, 1838, sec. 15; 5 Stat. L., p. 258.)

"There shall be allowed and paid to each commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each term of five years' service." (Act of July 15, 1870, now sec. 1262, R. S.)

"That on and after the passage of this act all officers of the Army of the United States who have served as officers in the volunteer forces during the War of the Rebellion, or as enlisted men in the armies of the United States, Regular or Volunteer, shall be and are hereby credited with the full time they may have served as such officers and as such enlisted men in computing their service for longevity pay and retirement." (Act of June 18, 1878, sec. 7; 20 Stat. L., p. 150.)

That in the settlement of petitioner's accounts the accounting officers of the Treasury did not count his service as an enlisted man from September 20, 1856, to September 20, 1861, in computing his longevity pay and allowances for services prior to June 18, 1878.

That under the decision of the Supreme Court of the United States in the case of *United States v. Tyler* (105 U. S., 244), petitioner was allowed the percentage increase upon his current pay, without counting petitioner's service as an enlisted man.

That upon the petitioner's application for the allowance of arrearages of longevity pay due him, the accounting officers, December 6, 1909, refused to consider his claim on the ground that the settlement under the *Tyler* decision was an adjudication of all his rights to longevity pay, under the ruling then in force that service as an enlisted man could not be counted in computing longevity pay prior to June 18, 1878.

That by this action of the accounting officers there has been withheld from the petitioner the sum of \$2,500, which is lawfully due.

That he petitioner was always loyal to the Government of the United States.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. The claimant herein is an officer of the United States Army, having served as an enlisted man from September 20, 1856, to September 20, 1861. He was mustered in as a first lieutenant, Tenth Tennessee Infantry, July 14, 1862; promoted to be lieutenant colonel August 21, 1863; colonel June 6, 1864; and was mustered out June 6, 1865. He was appointed captain and assistant quartermaster of Volunteers September 25, 1865; accepted October 2, 1865, and the position was vacated on same date. He was appointed captain and acting quartermaster, United States Army, September 27, 1865; accepted his commission October 2, 1865; was appointed major, quartermaster, January 25, 1883; lieutenant colonel, Deputy Quartermaster General, September 12, 1894; colonel and Acting Quartermaster General, February 4, 1898; and was retired November 1, 1900.

II. Claimant was paid his first longevity ration from November 9, 1867, and 10 per cent increase for each five years subsequent thereto. By settlement with the accounting officers he was allowed longevity increase under the *Tyler* decision (105 U. S., 244), and his claim for longevity increase on account of service as an enlisted man was disallowed December 9, 1909.

III. Under the decision of this court in the case of *James Stewart v. The United States*, No. 20810, decided February 23, 1899, from which no appeal was taken, service as an enlisted man should be counted in computing longevity pay and allowances, and the difference between the amounts actually paid to claimant on account of longevity pay and the amount to which he would be entitled under said decision, as reported by the Auditor for the War Department, is \$2,341.12.

BY THE COURT.

Filed May 20, 1912.

A true copy.

Test this 29th day of May, 1912.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The PRESIDING OFFICER. Are there further amendments?

Mr. CRAWFORD. The committee has nothing further to offer.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. CATRON. I wish to ask the Senate to consider three amendments separately. They are on page 66, under the head of "New Mexico."

The PRESIDING OFFICER. Those amendments will then be reserved for separate consideration. The question now is, Will the Senate concur in the other amendments made as in Committee of the Whole? Without objection, the other amendments will be concurred in. The bill is still in the Senate and open to amendment.

Mr. CATRON. Mr. President, I object to the amendments of the committee striking out the provisions of the bill found under the head of "New Mexico," on page 66. There are three of them. I will take them up in the order in which they appear. I do not know whether we can vote on them separately.

Mr. CRAWFORD. We might as well act on them all together.

Mr. CATRON. Mr. President, the first amendment to which I desire to refer is the claim of Anastacio de Baca for pay for a number of sheep, which were stolen from Francisco de Baca in the year 1862 by the Navajo Indians. Immediately after those sheep were stolen by the Navajo Indians Baca reported the occurrence to the then governor of New Mexico, Gov. Connelly. Gov. Connelly immediately sent word to the commanding officer at Fort Craig, on the Rio Grande. As this Indian depredation took place on the east side of the Canadian River and the Navajo Indians lived on the west side, supposing, naturally, that they would carry the sheep back, he sent word to Fort Craig, which is on the Rio Grande, and asked the commanding officer to look out for them. He did so, and his command captured or took away from the Indians 1,500 of these sheep, 2 donkeys or burros, and 1 mule. The commanding officer, after taking them away from the Indians, turned over 500 of these sheep to some Mexicans who were with them, not connected at all with the owner, and let them take the sheep away for their own use. The other thousand sheep were turned over to the commissary at Fort Craig. They were taken up by him on his property returns, and they were killed and issued to the soldiers as a part of their rations. The governor of New Mexico, at the request of Mr. Baca, asked Gen. Carleton, who was then commanding in New Mexico, to have the sheep returned to their owner, but nothing was ever done about it. Afterwards, in the year 1871, the Delegate in Congress from New Mexico, Col. Chaves, called the attention of the Commissary General to the fact that these sheep had been taken and applied to the Government's own use, and asked that the sheep be accounted for and paid for, but the Commissary Department did nothing in reference to it.

The matter remained in this condition under consideration from 1871 to 1876, when the Commissary General, who took the report from the Army officer who had taken the sheep and used them, concluded that the proofs did not satisfy him that the sheep were the property of the claimant, nor that the claimant was thoroughly loyal to the Government of the United States during the Civil War. The claimant, when asked to prove that they were his sheep, presented his certified brand or certified mark, and it was identified. So there was no trouble about that. Subsequently he established his ownership of the sheep and also established his loyalty.

The matter thus remained until 1886, when the papers were transmitted to the Third Auditor of the Treasury, "not recommended for settlement." On June 17, 1886, the accounting officer of the Treasury refused to take jurisdiction over the matter. In February, 1900, the case was referred to the Court of Claims under the Bowman Act for findings of fact. The Court of Claims found that the sheep had been taken and used by the Government and that the claimant was loyal. They found first that the value of the sheep was \$325, but, as that was evidently a mistake, on reconsideration they found the value of the property taken to be \$1,325.

This claim is, without doubt, as valid a claim as any that can be made. It has been rejected by the committee on the ground that the party slept on his rights for 38 years. The Government had notice of the claim right from the start, and it was kept before the Government. This man had no opportunity to present his claim before any tribunal until the passage of the Bowman Act. When the Bowman Act passed the claim was referred to the Court of Claims, proof was taken, the findings were in his favor, and the value of the property used was ascertained to be \$1,325. I ask that the amendment striking out that claim be not concurred in.

The next claim is that of Col. Edward H. Bergmann, who claims \$1,200 on account of money he expended in getting clothing for a company of troops of which he was captain during the Civil War.

It appears from the testimony and the facts in the case that Col. Bergmann was a Prussian by birth, and that when Gen. McClellan and several other officers went over to Europe to observe and inspect the armies of Europe to ascertain how they

were managed and handled, for the purpose of improving the condition of our own Army, they came in contact with Bergmann and invited him to come over to the United States, promising that he might get a commission in the United States Army. Bergmann came over, but instead of getting a commission he enlisted in the Regular Army of the United States. When the Civil War broke out Bergmann was in New Mexico. There he raised a company of Volunteers, of which he was made captain, the company forming a part of Kit Carson's regiment. This was in 1862. His company had no clothing; there was at that time no clothing in New Mexico that could be issued to them, and they were in a ragged and destitute condition. In this situation Col. Bergmann, having some money of his own, expended \$1,200 to buy clothing for these men. It was bought by him, given to the soldiers, and used in the service of the United States to clothe its troops. Being a very loyal and very patriotic man and getting his salary, and being a foreigner and not understanding our laws, he did not think of putting in his claim for the amount until sometime after the war closed. Then he had become impecunious. His attention was called to the fact that he had advanced this money, and he then put in his claim for the amount of \$1,200, which he had previously paid for this clothing, of which, as I have said, the United States got the benefit for its soldiers.

The claim was not allowed. Afterwards, under the Bowman Act, it was referred to the Court of Claims. The Court of Claims found the facts to be as I have stated them—that he had paid the money and that it had never been paid back to him. Col. Bergmann had no earlier opportunity to put in his claim before any tribunal, although if he had thought about it he might have presented it to some accounting officer; but he took no action until 1890, when the claim was referred to the Court of Claims.

When his case was referred to the Court of Claims he immediately applied to the Assistant Attorney General to designate an attorney to take the proof in his case. The Assistant Attorney General intimated that the attorney whom they wanted was busy and they could not get him, but he would try to get a special attorney. A partial arrangement was then made to get a Mr. M. W. Mills, of Springer, N. Mex. Mr. Mills agreed to accept the appointment, but they never referred the case to him. The matter continued along until 1902, when the Government made arrangements to take the testimony and designated an attorney to appear. On a presentation of the case, the court found, as I have stated, that Col. Bergmann advanced this money; that the soldiers used the clothing; that the Government got the benefit of it in the actual service of the Government during the war; and that money had never been refunded.

The next claim—there are three of them, as I have stated—is that of Mary W. Littell, widow of William J. Littell. This is a claim in which the Senator from Kentucky might be interested. It seems that a regiment was organized in Kentucky during the Civil War, but the company did not reach a sufficient number of men to entitle it to the necessary lieutenants, and they had no lieutenant. Littell was first sergeant of the company. The governor of Kentucky, however, commissioned him as a lieutenant. I do not know what the law was at that time as to the appointment of lieutenants, as I was not on that side of the question; but Littell continued with the company until it was discharged and performed in every respect all the duties of a second lieutenant, although he only drew pay as first sergeant of the company and also drew rations. The Court of Claims has found these facts, and stated that if Littell could be considered a lieutenant, as he had been commissioned by the governor of Kentucky, the amount of his claim was \$632.18, after deducting what he received as first sergeant and the value of his rations. I do not know so much about this claim as I do of the previous ones, but the Court of Claims found that Littell did this service; that he performed the duties of a first lieutenant, but only drew the pay of a sergeant and the rations of a sergeant; and that his pay would amount to \$632.18 if he was considered as a lieutenant.

I ask that the amendments of the committee striking out these items of the bill be not concurred in.

Mr. CRAWFORD. Mr. President, the statement made by the Senator from New Mexico [Mr. CATRON] is very similar to the statements which are presented in most of these cases; that is, it comes from some attorney. I would not say specifically that it is true in the case which the Senator presents, but a similarity in the reasons given leads me to believe that some attorney, representing the claimants, has furnished this kind of information to the Senator. I have not the slightest doubt of the Senator's good faith in regard to the matter. The Bowman Act, under which the Senator seems to think he is justified in saying that laches can be waived, was passed in 1883. That is 29

years ago. The Tucker Act, which required the court to find what excuse the claimant had, if any, for his long delay, was passed in 1887, 25 years ago; and no excuse whatever is found by the Court of Claims in its report to explain the long delay in either of these cases.

That is not all. In the de Baca case claim is made on account of the loss of sheep in 1862. At a time when the claimant must have had in his possession fresh proof of the facts, and when witnesses must have been alive by whom he could establish his loyalty, he undertook to establish his claim, but the Government found against him on both propositions, finding that he did not prove the fact as to his loss and that he was unable to satisfy them as to his loyalty. While the Bowman Act was passed in 1883 and the Tucker Act in 1887, he did not ask to go to the Court of Claims until the year 1900, and in 1905 he secured in some way from it a finding of his loyalty. If that does not show a doubtful situation, under which it would be rather reckless for us to pay stale claims, it would be impossible to present one here.

The case of Bergmann, so far as concern laches and delays, is exactly in the same class. If we were to allow these claims to come in here now, it would open the door so that practically all of the items rejected by the Committee on Claims would be placed in the bill.

The third item is one of difference-in-pay claims, where an officer in the Army during the war was serving in a certain rank—he may have been captain, or he may have been major, or he may have been colonel—but his State gave him a rank higher than that held under the Federal Government. There may have been a vacancy ahead of him, into which he stepped and performed the service in a rank higher than that for which he held a commission from the Federal Government; but if his command was under the minimum, a law was passed—I have all the laws here—which allowed officers serving in a higher rank than that to which they were commissioned by the Federal Government under those circumstances to receive the pay of the higher rank, providing their command was not below the minimum.

In the last Congress a statute was passed absolutely barring all these claims, and it is sought, by putting them in the omnibus claims bill, to repeal that statute which fixed an absolute bar against these claims.

Mr. CATRON. I should like to ask the Senator if he thinks a statute passed a year ago, or at the last Congress, would apply to a claim which had originated a year before that statute was passed?

Mr. CRAWFORD. I do not; but these claims never had any foundation under the laws of the United States; absolutely none. The act of February 24, 1897, contained a proviso that—

That this act shall be construed to apply only to those cases where the commission bears date prior to June 20, 1863, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations.

In every one of these cases the court finds that the commission was dated after June 20, 1863, and the command was below the minimum. There are about a hundred-odd of these claims, and the committee did not propose to go against that statute passed at the time and the statutes passed since that time, one of them in 1897, which put up a bar to these claims.

I ask that the claim be rejected.

Mr. CATRON. Just one word. The fact that this might open all the other claims is no argument at all. I know nothing about what the other claims are, but if they are as meritorious as these, I think they ought to be paid and ought to be included. If they are not, then each one stands upon its own footing. It seems to me this record shows a sufficient vigilance on the part of these first two claimants, and I ask that the first two claims be voted on separately from the others, because they are different—the Anastacio Baca and the Bergmann claim.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, proposing to strike out two New Mexico items, on page 66, lines 5 to 9.

The amendment was concurred in.

The PRESIDING OFFICER. The question is now upon concurring in the amendment to strike out lines 10, 11, and 12, on the same page.

The amendment was concurred in.

The PRESIDING OFFICER. The question is on concurring in the remaining amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is still in the Senate and open to amendment.

Mr. BRADLEY. I rise to make an inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. BRADLEY. On the 7th of December, in my absence from this body, the Senator from Tennessee [Mr. SANDERS] was kind enough to offer an amendment to this bill. I should like to inquire what disposition has been made of that amendment?

The PRESIDING OFFICER. Can the Senator state upon what page of the bill the amendment appears?

Mr. CRAWFORD. What was it?

Mr. BRADLEY. It was:

To the wardens of Christ Protestant Episcopal Church, Bowling Green, \$300.

Mr. CRAWFORD. That was rejected.

Mr. BRADLEY. I simply wanted to know what became of it. I suspected that it had been rejected.

The PRESIDING OFFICER. Does the Senator from Kentucky desire to offer an amendment?

Mr. BRADLEY. I did; but I understand it was rejected by the committee, and I do not deem it worth while to offer the amendment now.

The amendments were ordered to be engrossed and the bill read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. CRAWFORD. Mr. President, just a word or two before the bill is finally disposed of. I desire to call attention to some of the items rejected by the committee that the Senate may form some idea about the character of a considerable number of claims that were in this bill when it came to the Senate.

Here is a sample. I call attention to paragraph 560. I do this because we may have something to do about this bill in some form after it has gone to conference. Here is an item in this bill for a chuck-a-luck gambler, a man following the rear of the Union Army in the South—a professional gambler. He comes in here in 1906 with a claim for some money lost in chuck-a-luck, and which he claims was not all gambling funds, but that part of it was money that was not won from him in chuck-a-luck but was taken from him by the commanding officer. He comes in and asks for an appropriation out of the Treasury to give him back his money. An inquiry was had in 1865 under the order of Gen. Hazen, and the claimant was required to present proofs that the money taken from him was not the fruits of gambling. The court, after considering the evidence, recommended that \$376 be refunded and that the remaining \$454 be forfeited, as coming within the instructions of Gen. Hazen for the confiscation of the proceeds of chuck-a-luck. The forfeited sum of \$454 was disbursed by the commander of the division and not returned to the Treasury Department. None of the \$860 has ever been returned to claimant. Claimant allowed his claim to sleep until 1891, for a period of 27 years, when he presented a claim to the Auditor for the War Department, and it was rejected. Then he came in here 42 years afterwards, without having peeped all that time during the interim, and asks the Congress of the United States to engage itself in the business of giving him back that fund. None of it ever went into the Treasury of the United States. That is one item in here.

I will call the attention of the Senate to one or two others. Here is paragraph 599. Five hundred and ninety-nine is an item that has long since been paid and satisfied. Ten thousand five hundred and twenty dollars was claimed. The money was appropriated in an appropriation act approved March 3, 1877, Nineteenth Statutes of the United States, page 538. The money was paid and the claim released and receipted for, and yet here is inserted a claim in the omnibus claims bill, as it comes over to the Senate, with that \$10,000 item in it to be paid over again.

Here is another one—paragraph 737 in this bill. Seven hundred and thirty-seven is the claim of Henry E. Hilliard. It was absolutely paid and satisfied by an appropriation found in Thirty-third Statutes, part 1, page 768.

Here is an old claim, originating way back during the war, in which the claimant has slept on his rights for over a generation, and then comes here and asks money for hay which he claims he delivered to a commissary, and he wants pay at the rate of \$55 a ton.

How such things get through I do not understand.

Here is a hotel company down in Memphis called the Overton Hotel Co. The claim is that the property was occupied by soldiers during the war. We all know what were the conditions in Memphis. You could not rent buildings for any considerable amount under the conditions that existed there. Several years ago that company got a bill through here appropriating, as I understand, some \$53,000, took the money and released the claim. And yet they get inserted in the bill an item calling for the appropriation of \$12,000 or \$15,000, or more, because an

attorney claims that some sort of technical error was committed in making the computation.

On the matter of proof of loyalty—and I will stop with this case—I want to call the attention of the Senate to one claim, paragraph 800, which is typical of many of the claims we have stricken from this bill. In this particular case property was taken from the administrator, N. C. Perkins, during the War of the Rebellion, in Shelby County, in the State of Tennessee, by the military forces of the United States for the use of the Army—stores and supplies worth the sum of \$5,684. It does not appear from the statement of facts whether the property was taken by any authority of the Government at all. The plantation from which the stores were taken, it was claimed, belonged to J. J. Todd at the commencement of the war, but he died in 1861, leaving by will his property to his daughter, Mrs. Newton C. Perkins. She is the wife of the administrator, N. C. Perkins, who makes this claim, and he was a captain in the Confederate Army. Understand that under the statute these claims can not be allowed unless loyalty is proven. Her husband, who appears here as administrator, was a captain in the Confederate Army. He was appointed administrator of the estate of his wife's father in 1862, and then he resigned his commission and came home to take charge of that estate—right out of the Confederate Army. I dare say Mrs. Perkins is a good woman; I would not say a word disrespectful about her, but this is what the court finds as to her loyalty:

Mrs. Perkins desired her husband to keep out of the Confederate service; she did not desire to take up arms; she did not wish him to join either army; after the war actually began she did not desire the subjugation of the South, and she did not wish for the defeat of the Confederacy to secure the perpetuity of the Union.

Now, with that sort of a straddle on the question of loyalty, and with the administrator himself having been an officer in the Confederate Army, thereafter, in 1900, a finding is made upon which an appropriation claim of that character is made.

Having thus characterized in a general way the items stricken out of the bill, I ask for the action of the Senate upon the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

Mr. NEWLANDS subsequently said: The omnibus claims bill was passed this morning during my absence from the Senate. I had pending before the Senate an important amendment involving the claims for extra pay of mechanics and laborers on public buildings, and it was my expectation to bring that matter before the Senate for its consideration. I have seen the Senator from South Dakota [Mr. CRAWFORD], who had charge of the bill, and he informs me that he will have no objection to a motion for a reconsideration of the bill in order to enable the Senate to consider the amendment which I tendered.

I therefore ask that the vote by which the bill was passed be reconsidered and that the bill stand on the calendar for consideration.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Nevada to the fact that the Senator from South Dakota, the chairman of the committee, is not present.

Mr. NEWLANDS. I consulted with the Senator from South Dakota about 15 minutes ago and he told me he would have no objection. I have sent word asking him to be here, but he is not here.

Mr. CLARKE of Arkansas. Mr. President, I would not assume to act instead of the chairman of the committee, the Senator from South Dakota, nor do I in the slightest degree desire to indicate any doubt about the statement made by the Senator from Nevada; but after the motion indicated by him has been made and considered there will be other motions made, and they should be made at once, so as not to delay the passage of the bill beyond to-day. If it would be agreeable to the Senator from Nevada to renew his motion at a somewhat later hour, we will undertake to have the Senator from South Dakota here, so that the whole matter may be disposed of.

Mr. NEWLANDS. It is entirely agreeable to me, Mr. President, that the action be had to-day.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. I have made my motion to reconsider the vote by which the omnibus claims bill was passed.

Mr. SMOOT. That is what I was going to suggest to the Senator from Nevada, to enter the motion, and then if it so happens that we can not act on the motion to-day, it will be pending.

Mr. CULBERSON (to Mr. NEWLANDS). Make the motion now.

Mr. NEWLANDS. I make the motion now.

Mr. CULBERSON. I understand that the Senator from Nevada makes the motion now to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. The motion will be entered.

Mr. CULBERSON. And it will be passed over for the future consideration of the Senate.

The PRESIDING OFFICER. The motion has been entered. The bill will be held here.

LANDS IN PENSACOLA, FLA.

Mr. SMITH of Georgia obtained the floor.

Mr. FLETCHER. Mr. President—

Mr. SMITH of Georgia. If, without losing my position in the premises, I can yield for a moment to the Senator from Florida, who desires to call up two local bills, I shall be glad to do so, although I can not afford to lose my place.

Mr. FLETCHER. It will take only a moment.

Mr. SMITH of Georgia. I yield, if I can, under the circumstances indicated.

Mr. FLETCHER. I desire to call up two bills, being Orders of Business 961 and 962, releasing the claims of the United States Government to certain lands in the city of Pensacola, Fla.

Mr. SMITH of Georgia. I yield for that purpose, if I may.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (S. 5378) releasing the claim of the United States Government to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I now ask unanimous consent for the present consideration of the bill (S. 5377) releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola. It is a bill of the same kind as the one just passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE OF PHARMACY AND SALE OF POISONS.

Mr. GALLINGER. I ask for the consideration of the bill (H. R. 8619) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and to insert:

That "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, be amended by adding after section 11 thereof a new section to be known as "section 11a," and to read as follows:

"Sec. 11a. That nothing contained in this act shall apply to sales at wholesale by any dental supply depot, carrying only a general stock of dental supplies, without being required to have a licensed pharmacist employed therein or connected therewith, to lawfully authorized practitioners of dentistry or medicine, for personal use in the practice of their profession, or to incorporated dental or medical colleges, for use therein, or to incorporated hospitals, for use therein, all drugs, chemicals and poisons used in the legitimate practice of dentistry: *Provided, however,* That no such dental supply depot shall so sell at wholesale any such drugs, chemicals, or poisons except upon the original written order of a lawfully authorized practitioner of dentistry or medicine, which order shall be dated and shall disclose the full name and address of such practitioner, and whether the articles ordered are for his personal professional use and account, or for the account, and use therein, of such college or hospital, and all such original orders shall, for a period of three years, be retained on file by the dental supply depot selling or furnishing the drugs, chemicals, or poisons specified therein. No proprietor, officer, agent, or employee of any dental supply depot shall sell or furnish any such drugs, chemicals, or poisons otherwise than as in this section provided, and no practitioner of dentistry or medicine shall purchase or obtain from any dental supply depot any such drugs, chemicals, or poisons otherwise than as in this section provided, or for any other purpose than as in this section permitted."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COLVILLE INDIAN RESERVATION LANDS.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 5379) granting certain lands of the diminished Colville Indian Reservation, in the State of Wash-

ington, to the Washington Historical Society. This is purely a local bill.

Mr. SMOOT. I shall not object to the consideration of this bill, but I give notice that I shall object to the consideration of any further bills this morning by unanimous consent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized to patent to the Washington State Historical Society, for memorial and park purposes, the following-described lands in the diminished Colville Indian Reservation, in the State of Washington, to wit: A tract of land not exceeding 4 acres in area located in the northwest corner of lot 2 of section 17, the precise description of said tract to be determined by said Washington Historical Society and the Secretary of the Interior prior to the issuance of the patent therefor, and lot 7, containing 20.90 acres of section 21, all in township 30 north, range 25 east of the Willamette meridian in Washington; *Provided*, That the lands hereby granted shall be paid for by the said society at their appraised value, to be ascertained in such manner as the Secretary of the Interior may prescribe, and the proceeds thereof placed in the Treasury of the United States to the credit of the Indians belonging on the reservation of which the lands herein described are a part and thereafter paid to the said Indians or used for their benefit in such manner as the Secretary of the Interior may deem for their best interests; *Provided further*, That the lands hereby granted shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL EXTENSION DEPARTMENTS.

Mr. SMITH of Georgia. I move that the Senate take up for consideration the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress, approved July 2, 1862, and of acts supplementary thereto.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment.

The PRESIDING OFFICER. The amendment of the committee will be read.

The SECRETARY. In section 6, page 5, line 14, strike out the words "duly appointed by the governing boards of said colleges" and insert "of the State, duly authorized by the laws of the State," so as to make the section read:

SEC. 6. That the sums hereby appropriated for extension work shall be annually paid in equal semiannual payments on the 1st of January and July of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer of the State, duly authorized by the laws of the State to receive the same; and such officer shall be required to report to the Secretary of Agriculture, on or before the 1st day of September of each year, a detailed statement of the amount so received during the previous fiscal year, and of its disbursement, on forms prescribed by the Secretary of Agriculture.

Mr. SMITH of Georgia. That is a mere verbal change to make the language perfectly accurate.

The amendment was agreed to.

Mr. SMITH of Georgia. I now send to the Secretary's desk the report made by the Committee on Agriculture and Forestry on this bill, which I would be glad to have read.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report submitted by Mr. SMITH of Georgia December 14, 1912, as follows:

[Senate Report No. 1072, Sixty-second Congress, third session.]

ESTABLISHMENT OF AGRICULTURAL EXTENSION DEPARTMENTS.

Mr. SMITH of Georgia, from the Committee on Agriculture and Forestry, submitted the following report, to accompany H. R. 22871:

The Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, having considered the same, beg to report it back to the Senate with one amendment and with the recommendation that the bill as amended do pass.

The object of the bill is to make provision for the establishment of extension departments in the land-grant agricultural colleges of each State and to carry to the farmers at their homes the knowledge gathered at the agricultural colleges and experiment stations.

Fifty years ago the Morrill Act became a law, and by aid from the appropriation which it made colleges of agriculture are now successfully conducted in every State.

Twenty-five years ago the Hatch bill became a law, and by aid from the appropriations which it made agricultural experiment stations are now successfully conducted in every State. Other legislation has also been enacted since the Morrill and Hatch Acts of further aid to the colleges and experiment stations.

The Morrill Act provides for the endowment and support of colleges, the leading object of which shall be "to teach such branches of learning as are related to agriculture and the mechanic arts." The Hatch Act provides for agricultural experiment stations where by investigation and experiment accurate knowledge is obtained upon farm problems.

The experiment stations were essential to proper instructions in the colleges. In most of the States these colleges and experiment stations have for years worked in close association. They have conducted investigations and made tests bearing upon many important questions connected with the farm, and their investigations and tests have been especially with reference to conditions in their respective States. They have studied plants and determined with accuracy the foods upon which they live and mature crops. They have analyzed different classes of soil in their respective States to determine the plant food contained and have learned how to make it available. They have ascertained defects of soils and how to remove them. They have worked out the improvement of seeds and have found the way to resist many plant diseases. They have tested stock, cattle, and hog foods and diseases. They have found what foods will bring the best results and have advanced in the treatment of diseases.

I do not claim that the knowledge which has been obtained is absolutely accurate in all lines, but I insist that they have learned many things of great value to those engaged upon farms; and their officers are as a rule able and capable men, practical as well as scientific, and devoted to their work.

These institutions are now engaged in their best work and will continue to demonstrate new truths which would be most helpful if understood and used in the daily work of the farm.

There are students at these colleges who are obtaining much aid from the instructions which they receive, but there is not sufficient provision to carry to the farmers at their homes the valuable information which has been and will be obtained by the work of the colleges and experiment stations.

The last census shows that the rural population of the 48 States was 49,384,882. The majority of our population is engaged in agricultural pursuits. It is my urgent plea that they should receive as speedily as possible the help which the successful use of all that has been learned and may yet be learned at the agricultural colleges and experiment stations would be to them.

The National Government has spent on the agricultural colleges and experiment stations, in round figures, \$70,000,000. It spends now \$3,940,000 cash annually upon them. From State appropriations and other sources they receive annually \$11,000,000. A large part, however, of this last-named amount is required for new buildings and equipment required to meet the growing demands upon the colleges.

For the year ended June 30, 1912, Congress appropriated \$15,000,000 for carrying on the exclusively agricultural work of the Department of Agriculture. Much the larger portion of this money is spent for investigation and experimentation. Information of great value to the rural interests of the country is secured, but a comparatively small amount is devoted to showing those at work upon farms how to apply this information.

Dr. True, Director of the Office of Experiment Stations, has stated: "Heretofore interest in the agricultural development has largely been in the direction of securing new truths. A vast amount of valuable information is now in existence awaiting some effective means of getting it into operation by the farming people of the United States. It has been found that the mere publication of results in the bulletins and pamphlets is not sufficient, and that there is much even that these publications do not contain and can not be taught by them."

"The agricultural colleges were created and organized chiefly for the benefit of agriculture. They have devoted themselves to perfecting their organization and courses of study for the education of their students and by means of experiment stations to the investigation and discovery of agricultural truths. Recently there have arisen demands upon these institutions for information and assistance outside of their classrooms by persons engaged in agriculture unable to attend these colleges as students. These demands became so insistent that at the meeting of the Association of Agricultural Colleges and Experiment Stations held at Portland, Oreg., in 1909, the association by formal action changed its constitution by recognizing the obligation of the colleges to the rural people outside of their halls as equal to the obligation of resident students and their work of research. Forty-five colleges, representing 43 States, were conducting extension work during the college year which closed June 30, 1911, but their work was limited by lack of sufficient funds."

We are confronted, therefore, with the fact that the National Government has spent, and is spending, large sums of money upon the agricultural colleges and the experiment stations. The money so spent has aroused interest in the States, and they are appropriating to this work sums in excess of those appropriated by the National Government, but the inspiration for the work and the leadership in the work came from the national appropriation. These institutions are doing good, but much that they might do falls of accomplishment because there is no organized machinery, backed by necessary funds, to carry the information they gather to those actually engaged in agricultural pursuits.

The agricultural colleges, agencies in a sense of the National Government, are ready for immediate service at the home of the farmer. They are ready to furnish the information they have acquired to all upon the farms instead of to a few at the colleges. The bill which has passed the House is intended to enable them to increase their extension work at once and develop it in time upon a broad scale.

It is of vital importance to carry promptly to the farmers the knowledge acquired at these institutions.

A number of bills have been introduced during the past few years intended to accomplish this result. Last fall the executive committee of the State Agricultural Colleges and Experiment Stations, officers of the National Soil Fertility League, and representatives of the Agricultural Department prepared a bill, which was introduced in the Senate on the 16th day of January and in the House of Representatives on the 17th day of the same month. The House of Representatives has passed this bill with only two important amendments. One requires that 75 per cent of the money appropriated shall be used in actual demonstration work and the other provides that this bill shall not interfere with the demonstration work now being done by the Agricultural Department.

Many State legislatures will meet in January, and the passage of the House bill by the Senate at the earliest day possible is necessary to give them an opportunity to act.

The bill provides for the establishment and maintenance in each of the land-grant colleges of agriculture of an extension department to give instruction in agriculture and home economics to farmers at their homes.

This instruction is to be given by demonstration work and other means in the local farm communities.

It provides for a fixed appropriation from the Treasury of \$10,000 unconditionally to each State. It provides also an appropriation be-

ginning with \$300,000 a year, July 1, 1913, to be prorated among the States on a basis of rural population. This appropriation is to be increased each year \$300,000 until the maximum of \$3,000,000 is reached in 1923. No State is to receive a pro-rata of this sum unless it provides an equal amount for the same purpose. The money is to be expended by the State colleges of agriculture through their extension departments in each State. Seventy-five per cent of the money must be used in actual field demonstration; 5 per cent may be used for printing and publications, and the remaining 20 per cent for instructions in household economics or for further field demonstrations. The bill provides that any Federal money lost or misused must be made good by the State, and it prohibits the use of the money for purposes except those specified. It provides for reports from the colleges to the Secretary of Agriculture, and through the Secretary of Agriculture to Congress.

The bill permits the purchase of no land by the Government. The representatives of the colleges in the various communities in each county in each State will enlist farmers, who, under the direction of the representative of the agricultural college, will test the value on their own land of the information brought by the representative of the agricultural college. The farmer will be invited to plant under the direction of the representative of the college. The character of the soil will be tested, the nature of the fertilizer to be used explained, the selection of seed advised, and the time of planting and manner of cultivation suggested, and demonstrations will be made which will teach and prove the value of the knowledge acquired at the colleges and stations. In another place the representative of the college will teach and by experimentation demonstrate the best manner for caring for fruit trees. In another, the best system for feeding cattle and stock and of dairying and butter making may be the subject of the demonstration.

Demonstrations will also be made in home economics and labor-saving machines.

The colleges of agriculture and the experiment stations in each State have devoted themselves to the study of the peculiar conditions of their State and the localities of their State and will, through their representatives, carry to the farmer in his home the accurate information which experimentation has demonstrated and in turn give a practical demonstration in the locality before the farmer and his neighbors of the value of the information acquired and how to use it. This class of work will be supplemented by printed discussions of the best mode of farming, of hygiene, and of household economics, and the means available will be used to give those on the farm all that research can develop which will be of service to them.

The value of such instruction is not a matter of experiment. It has been tried in other countries, as well as to a limited extent in our own. A number of European countries for the past 25 years have been carrying the information gathered in their colleges and experiment stations to the homes of the farmers. Detailed information as to how the extension departments in other countries have been conducted and the beneficial results from them has been gathered by the National Director of the Office of Experiment Stations.

We have selected Belgium as an example and have examined the statistics prepared by the Department of Agriculture showing the effect there of agricultural extension work upon the lines proposed for our country by the bill under consideration. They disclose an average increase of production per acre in 20 years of 30 per cent. They also disclose a lessened cost of production per acre, and this splendid accomplishment is attributed to the information and instruction carried to the farmers by agricultural extension work.

The testimony before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture furnishes convincing proof of the great benefits which have been accomplished by the limited work upon this line already carried on by the agencies created principally through congressional action.

Dr. Russell, dean of the college of agriculture of the University of Wisconsin, pointed out its value in the improvement of cattle and dairying in Wisconsin. Among other things, Dr. Russell said:

"The extension work is designated generally to take that work right to the man on the field, and it seems to me the advantageous feature of this bill is that it leaves it to the discretion of the agricultural college to organize this work along those lines that are going to be most effective for the community concerned."

He also pointed out a development of corn seed which in a portion of Wisconsin had enabled an increase of production per acre of over 50 bushels. He dwelt upon the necessity for soil diagnosis, and how at one point more phosphate was needed and at another more nitrogen and another more potash, and how for various crops portions of those necessary plant foods could be supplied and at other places other ingredients could be locally found, and he urged the importance of carrying accurate information upon this subject to the farmer at home, and he showed the work he was doing endeavoring to give such information to the farmers of Wisconsin.

Dr. Russell relates this incident, told him by Dr. Hopkins, of Illinois:

"Dr. Hopkins had demonstrated in southern Illinois what could be done with a dollar and a half's worth of phosphate to soil that needed this plant food. The average yield of corn in that locality was about 13 bushels. Dr. Hopkins demonstrated that with a little phosphorus and brains the yield could be increased fourfold. An old man came up with tears in his eyes and said: 'Dr. Hopkins, I want to thank you for what I have seen to-day; but, God help me, if I only knew that 40 years ago.' He said, 'I have six sons in my family and have labored night and day to keep body and breeches together and to keep the family together, and what have I got on my farm? Twelve to 15 or 16 bushels of corn to an acre—that's all I can make. I would have liked to send my boys to college. I would have liked to give those children an education; but I could not raise enough crop on the piece of land that I owned, so I have toiled all my life and have earned barely enough to support my family. Now, if a man had only come to me when I was comparatively young and told me the things you have told me to-day—that one dollar and a half's worth of phosphate would have given me 50 bushels of corn like the crop which was raised right over the fence from where I am—I could have sent my children to the high school and to a university.'"

Dr. Soule, of Georgia, discussed the subject along the same lines, and pointed out how corn and cotton production had been increased in various parts of the State nearly 100 per cent by the application of the knowledge developed in the State College of Agriculture and Experiment Station. He called attention to the different varieties of soil even in Georgia and the different character of plant foods contained in the different soils of the State. Among other things, he said:

"I have told you of the variations of our soil in Georgia. How can we direct this thing from a centralized position? It is impossible to do it. There is not a man not familiar with the agricultural conditions

of California who would attempt to advise the farmers of that State. It is not possible to send out information and literature from Washington that will meet the needs of the farmers in Georgia, as well as in all the other States. We must conduct this as a localized proposition, studying and teaching through the agricultural colleges."

Dr. W. D. Gibbs, president of the New Hampshire College of Agriculture and Mechanic Arts, gave an illustration of the benefit of agricultural-extension work of the kind that this bill contemplates through a young man who studied at the College of Agriculture of New Hampshire. He said:

"This old orchard was full of San Jose scale, and was an unproductive orchard, producing mediocre fruit in small quantity. The father had made his living by selling milk 8 miles away. This young man went to work on the orchard and pruned it and sprayed it and cared for it in other ways, and to-day they have one of the best apple orchards in New England. Instead of producing 800 barrels of poor fruit a year it is producing about 1,500 barrels of good fruit a year. The result is that the town has become an apple-producing center. Now, those farmers might have read agricultural experiment station bulletins for a hundred years on how to develop an orchard and they never would have done it. They believed their eyes and changed their methods."

"We are tremendously interested in this thing. The salvation of New England, it seems to me, is dependent upon increased agricultural prosperity. Agricultural extension is the way to bring it about. You can talk to farmers at farmers' institutes and you can send them bulletins by the ton, but they do not change their practice. But when you go to the farm and 'show' the man then he is your friend for life, and that, in my opinion, is the way to develop agriculture in New England or any other part of the United States."

Dr. Thompson, president of the University of Ohio, presented a strong appeal for the bill and declared that it was necessary to "develop the work of the American farmers," and as a "supplementary move that will reach the matured men and women, who, for one reason or another are not able to bring themselves to the school, and give them the full benefit of the appropriations already made to the colleges and experiment stations."

Dr. Howard H. Gross, president of the National Soil Fertility League, of Chicago, among other things, said:

"I believe this bill for agricultural extension, measured by its general benefits, is the most important constructive measure since the days of Abraham Lincoln. I believe that is the consensus of opinion of the gentlemen who have given it careful study."

He pointed out that at a low estimate the proposed extension work is not only the way to an increase of average yield per acre of 20 per cent, but also made the following statement:

"The approximate area of farm lands is 900,000,000 acres. The present crop value is about \$9,000,000,000. Twenty per cent increase means \$1,800,000,000, equal to \$18 per capita on 100,000,000 population. This sum equals one-half of all the money in circulation. Surely the figures are tremendous. The maximum cost to the Federal Treasury under the bill before you will be \$3,000,000 per year. The value of 20 per cent increase on one year's crop will pay for the proposed demonstration work for 600 years."

He also said:

"There appeared before the committee representatives of agricultural associations, representatives of the agricultural colleges and experiment stations, students of agricultural development, and leading bankers, all of whom urged the passage of this measure as one necessary for the improvement of the agriculture of the country, and they dwelt upon both the benefits which would go to the farmer and to the urban citizen as a consequence of the improved methods on the farm which this bill would bring about."

At a recent meeting of the presidents of the colleges of agriculture and experiment stations the following resolutions were passed:

"The Association of American Agricultural Colleges and Experiment Stations, in session at Atlanta, Ga., November 14, 1912, most respectfully requests the United States Senate to pass the agricultural extension bill, H. R. 22871, during the coming session of the Sixty-second Congress."

"For some years the institutions represented in this association have been urging the development of work in agricultural extension for the purpose of carrying to the farmer in his own community the successful experience of the experiment stations and the approved teachings of the colleges of agriculture."

"During the sessions of the Sixty-first Congress several bills looking to this end were introduced and hearings given to the representatives of the agricultural colleges, of the National Grange, of bankers' associations, and of others interested in the development of the Nation's agricultural resources."

"On January 16, 1912, the Hon. HOKA SMITH introduced in the United States Senate and Hon. A. F. LEVER introduced in the House of Representatives a bill to establish agricultural extension departments in connection with the agricultural colleges in the several States receiving the benefits of the act of Congress approved July 2, 1862. The bill now known as H. R. 22871, embodying substantially the provisions of the two bills referred to above, has passed the House of Representatives and is now pending in the Senate."

"The provisions of this bill have been fully discussed in the hearings before the Committees on Agriculture in both the House of Representatives and the Senate. Its provisions are simple and clear. The bill seeks to bring to the practical farmer by correspondence, instruction, and demonstration the accumulated and approved experience and methods of the colleges and experiment stations during the past 50 years."

"Fifty years ago the United States Congress passed the act providing for the land-grant colleges. Twenty-five years ago Congress passed the act providing for the experiment stations. Both these acts have been supplemented with legislation increasing the funds and the efficiency of both colleges and stations. It is now urged that on this anniversary year the agricultural extension bill be passed in order to enable these colleges to carry to the farmer who can not come to the college or station such demonstration of the results obtained in these institutions as shall enable him to maintain and develop the agricultural resources under his direction. This movement we believe to be in accord with sound public policy lying at the basis of the economic policies looking toward increased production as an important factor in determining the comfort and welfare of the whole people. This bill naturally and logically completes the chain of agencies fostered by the Federal Government for the betterment of agriculture. Hitherto we have maintained laboratories and field experiments at our colleges and stations, have put the results into bulletins, and have taught them in the classroom. It is now proposed to take these results to the local community, carry

the school to the farmer, and make his own fields a laboratory in which we can demonstrate the value of science when applied to agriculture.

"The association would call the attention of the Senate to two facts: First, the universal approval the country over of the wisdom of passing the land-grant act after an experience of 50 years; of the equally universal approval of the country of the act providing for the experiment stations after an experience of 25 years; and, second, to the fact that the agricultural interests as represented by the farmers, the colleges, the experiment stations, the agricultural press, and other interests as represented in bankers' associations and philanthropic agencies of various names are all united in a desire to see the bill for agricultural extension become a law.

"The Association of Agricultural Colleges, believing that these extension departments should be established without delay, and believing that this measure should receive favorable consideration upon its own merits without complication with other legislation, does most respectfully urge upon the Senate of the United States the importance of passing the bill for the establishing of agricultural extension departments in the agricultural colleges of the several States at the earliest possible date, to the end that the legislatures of the different States, many of which meet in January, may have opportunity to accept the provisions of the bill and to put the departments into operation during the coming year.

"Attention is respectfully called to the hearings before the Committee on Agriculture and Forestry in the United States Senate, Sixty-second Congress, second session (S. 4563), March 1, 1912, for a more complete statement of the merits of the bill and of the reasons for its enactment into law.

"Passed by the Association of American Agricultural Colleges and Experiment Stations, Atlanta, Ga., November 14, 1912.

"WINTHROP E. STONE, President.

"Attest:

"JOSEPH L. HILLS, Secretary."

The International Dry Farming Congress at Colorado Springs indorsed the bill by unanimous vote.

The New England Conference of Rural Progress, comprising 70 organizations, at a meeting in Boston, said:

"Of all the bills now before Congress, we believe the Lever bill to be the most practical form of legislation yet proposed."

The Tri-State Grain Growers' convention, comprising Minnesota and the two Dakotas, passed resolutions emphatically indorsing the bill.

The executive officers of the State Grange, the State Federation of Farmers' Clubs, and State Horticulture Society, of Michigan, unanimously indorsed the bill.

The Farmers' Union indorsed the bill.

The Third Wisconsin Country Life Conference, at Madison, passed a resolution urging the Members of Congress to pass the agricultural extension bill.

Secretary of Agriculture Hon. James Wilson, in a memorandum prepared for the President of the United States, after full discussion of the provisions of the bill, says:

"From time to time during the past three or four years bills have been introduced in Congress having for their object agricultural extension work, and upon these bills there has been considerable discussion. Public sentiment has gradually been crystallized on the matter until now we have before us House bill 18160, known as the Lever bill—a concrete proposition in regard to carrying the results of agricultural knowledge directly to the man on the land. Unquestionably such a plan, if properly carried out, would result in great good and would do much toward making useful and valuable the rapidly growing store of knowledge developed along agricultural lines."

(Secretary Wilson designated House bill 18160 as the bill to which he was referring. The present bill, as heretofore explained, is the substitute for that bill.)

The following are abstracts of indorsements of the bill as it was first introduced into the Senate, the present bill being practically the same measure, with only the changes to which we have heretofore called attention:

ALABAMA.

President State Agricultural and Mechanical College says it is "a splendid piece of prospective legislation."

President Alabama Polytechnic Institute: "We regard this work as one of the greatest possible good that can be rendered by the Government to our great farming interests. * * * This sort of constructive work done with the Government money seems to me to be of even more value than what might be called the destructive work of the appropriations for guns and battleships."

ARIZONA.

President University of Arizona: "The newer sections of the country are in great need of the national help that such a bill as yours contemplates. * * * I am glad the whole subject is engaging the attention of Congress * * *"

ARKANSAS.

President University of Arkansas: "I heartily approve of the bill and hope that it will be passed."

Dean and director College of Agriculture: "Senate bill 4563 * * * is a piece of proposed legislation which, to my mind, is of great importance."

CALIFORNIA.

President University of California: "There is no way in which we can do real good for the masses of our people better than through agricultural extension work. * * * There can be no question about our favoring the bill; we know what it means."

CONNECTICUT.

President Connecticut Agricultural College: "My personal opinion is that carrying of the latest scientific knowledge to the working farmer is one of the most important duties of the land-grant colleges. I sincerely hope that this bill will have favorable consideration by the present session of Congress."

DELAWARE.

President Delaware College: "I am very much pleased, indeed, to hear that the bill * * * has been read twice and referred to the Committee on Agriculture and Forestry. * * * Boys and girls of the common-school and high-school ages usually decide into what sphere of life they wish to enter. Formerly the dearth of agricultural education in that formative period rendered it impossible for the boy or girl to realize the importance of such instruction and consequently the country boy usually found a home in the city. I believe that this condition of affairs will be remedied by the operation of such a bill as you have proposed."

FLORIDA.

President University of Florida: "I sincerely hope that you will be successful in passing this measure. Our State at the present time is giving \$7,500 annually for farmers' institutes and agricultural extension work. With double this amount we believe that the efficiency of the agricultural extension work would be quadrupled, as paradoxical as this may seem."

GEORGIA.

Chancellor University of Georgia: "It is the best bill for extension work that I have ever seen. It is the only bill for extension work which I have been able to read and understand. If there is any way in which I can aid in its passage I will be glad to know it."

President State College of Agriculture: "We are naturally very much gratified to see the progress you are making with your measure in the Senate, and hope Mr. LEVER will have equal success in the House."

HAWAII.

President College of Hawaii: "I have read the bill over carefully and heartily commend your efforts to secure this benefit for the large and important class of our people who are in need of its provisions. This is constructive legislation of the truest type. Efficiency and contentment in agriculture are at the foundation of the Nation's welfare. * * * I believe that extension teaching is most important of all our methods for the propagation of knowledge. * * * There is sufficient data to show that the endowment for the agricultural colleges and experiment stations and the appropriations for the Department of Agriculture must be considered as among the best investments that the Nation has ever made."

IDAHO.

President University of Idaho: "Even with the best preparation we can make, and the most generous support from the Government in all of its divisions, we expect to be swamped by applications for assistance through extension instruction. Practically every community in the State is clamoring for extension work, and only a small percentage of the requests can be complied with. With reasonable support, however, from the United States and the State, we may expect that practically the whole agricultural population of Idaho will go to school for a portion of each year."

ILLINOIS.

Vice president University of Illinois: "The bill (S. 4563) introduced by you into the Senate of the United States is one of very great importance to the people of our country, and if passed is destined to work wonderfully great results. It is well known to everybody who has thought on the matter that agriculture with us is in a state of low development. * * * The people of the rural districts are not sharing adequately in the general prosperity of the country, and the latter can not be maintained without a forward movement among these rural people. Everywhere of late is heard the cry, 'Back to the farm.' But until the farm becomes desirable as a source of living and of community life no adequate result can be reached. This bill will serve in a practical way to make this movement really successful. * * * The University of Illinois is doing a great deal of this work now from State appropriations. It can do much more with the aid that the bill is destined to give."

Editor Orange Judd Farmer, Chicago: "The demonstration idea has not been given great attention at the North. Its wonderful success South ought to be sufficient proof that it would be just as satisfactory at the North. We are heartily in favor of this kind of work. I am very anxious to do what I can to help this bill along."

INDIANA.

President Purdue University: "I am in favor of this kind of legislation rather than some of the other measures which are now before Congress. * * * I find the demands upon us for attention and for work which we would like to do far in excess of our resources. This kind of work is the thing now most needed in our agricultural colleges, and I hope the measure will pass."

KANSAS.

President State Agricultural College: "We shall be very glad to do anything necessary to be done to indicate the interest of the farming classes in this matter and to assure the Members of Congress that they will appreciate the enactment of a law along the line of this bill."

KENTUCKY.

Editor Home and Farm, Louisville: "The policy will result in great good. * * * Only through a better agricultural education will the farmers be able to diversify their crops intelligently, care for their soils, and increase their profits."

MAINE.

President University of Maine: "I have gone over Senate bill 4563 with very great interest. I see nothing whatever to criticize or change in the bill. If this bill becomes a law it will enable the land-grant colleges to render unusual service to the people of this country. If I can be of any service in bringing about the favorable consideration of this bill it will be a pleasure."

MASSACHUSETTS.

President Massachusetts Agricultural College: "I am more than glad to give a hearty indorsement to the bill. * * * I think that this is one of the most important educational measures ever introduced into Congress. I believe the time is ripe for a great Federal movement in popular education in agriculture and rural affairs. The States are doing something, but we need the stimulus, direction, and practical assistance of the National Government. * * * You will find the agricultural educators and farmers of America back of you in this effort to inaugurate a great movement. I know of nothing that the present Congress could do that would be more popular. I hope the bill may be passed at this session."

MICHIGAN.

President Michigan Agricultural College: "This bill has my hearty indorsement and I hope may pass. I shall do all I can to that end."

MINNESOTA.

Indorsements received from the officers of the State College of Agriculture and Experiment Stations of Minnesota.

MISSISSIPPI.

President Agricultural and Mechanical College: "I heartily indorse your bill. While I was president of the American Association of Institute Workers I delivered an address urging that such a bill be passed by the National Congress. Extension work is by far the most important work of the land-grant colleges at this time. * * * We

already have enough information to transform our agriculture if we could get the people to incorporate it in their practices."

MONTANA.

President Montana State College of Agriculture and Mechanic Arts: "I am heartily in favor of this movement, and I believe that the provisions of this bill will meet the approval of all the interests concerned. The amount required to carry out this bill is insignificant, and yet it will stimulate the States to expend several times this amount."

NEBRASKA.

Chancellor University of Nebraska: "The University of Nebraska has already organized a department of agricultural extension. For lack of funds, however, our work is conducted mainly along the line of farmers' institutes. I have read the bill, and most cordially indorse it in every particular."

NEW JERSEY.

President Rutgers College: "I am glad to express to you my emphatic indorsement of this measure and my earnest hope that it will be passed. The State Agricultural College of New Jersey, Rutgers College, is surely in position to do extension work throughout the State, and the work ought to be done."

NEVADA.

President College of Agriculture and Mechanical Arts: "I heartily approve your bill and hope that it will be adopted."

NEW HAMPSHIRE.

President New Hampshire College of Agriculture and the Mechanic Arts: "My personal belief is that if this bill is passed by Congress it will be one of the wisest pieces of legislation since the land-grant act of 1862. * * * To my mind agricultural extension work is of the utmost importance at the present time. Our experiment stations have accumulated a large mass of facts and our colleges have done a wonderful work in accumulating and assimilating agricultural information of all kinds, and the most important thing we can do now is to extend this information to the farmers. This can be done only by demonstration and by other practical thorough-going methods. I hope that your bill will receive the hearty support of every Member of Congress."

NEW MEXICO.

President New Mexico College of Agriculture and Mechanic Arts: "I have read the bill with great care, and will say that I believe it to be the best of the several bills now pending before Congress which have this object in view. Whatever may be the merits of the various propositions to have the Federal Government support agricultural high schools, trade schools, district agricultural schools, and branch experiment stations, it seems clear that none of these ought to be tied up with the agricultural extension proposition, of which almost everybody is in favor. The Association of Agricultural Colleges at its recent meeting took the position that the support of agricultural extension work was the most important advance movement to be accomplished by legislation at this time."

NEW YORK.

President Cornell University: "It is a species of instruction which appeals to the public more than college instruction or investigation, for which provision has been made in previous acts of Congress."

NORTH CAROLINA.

President College of Agriculture and Mechanic Arts: "There is no work which the Nation can do now which would tell more for material progress than the extension work which would be so heartily aided by your bill. If there is anything that our farmers need more than another it is for some one to carry directly to them the vast amount of scientific knowledge about crops and methods which has been made available in the past few years. The passage of this bill would give an opportunity to do this thing, and I am sure no step could count more for progress than would be taken by such action on the part of our Congress."

NORTH DAKOTA.

President North Dakota Agricultural College: "A resolution was adopted at the Tri-State Grain Growers' Convention indorsing the passage of your bill, and, as president of the convention, I sent copies of the resolution to the members of both houses in Minnesota and the two Dakotas. I trust the bill will find favor with both Congressmen and Senators and become a law."

OHIO.

Dr. Thompson, of the University of Ohio, appeared in person before the committee, advocating the bill.

OKLAHOMA.

President Oklahoma Agricultural and Mechanical College: "I am in hearty sympathy with the purpose of your bill."

OREGON.

President Oregon Agricultural College: "I am in hearty accord with all the provisions of this bill. I have already written Members of the Oregon delegation, urging that they give it their support. The Oregon State Agricultural College has a regularly organized department or division for extension work in agriculture and home economics. One great need is for money with which to carry on this work. I sincerely trust that your bill may be passed by the present Congress."

PENNSYLVANIA.

President Pennsylvania State College: "Let me thank you for copy of Senate bill 4563. * * * Wishing the bill success and thanking you for your efforts for the benefit of public education, I am, * * *"

Secretary State Horticultural Association of Pennsylvania: "I take this opportunity to especially commend Senate bill 4563, introduced by you, and to assure you of the interest and support of this association. This is a matter of immediate need and far-reaching advantage to the agricultural interests of the country. I sincerely hope that it may become a law."

RHODE ISLAND.

President Rhode Island State College: "I heartily approve of your bill and have no criticisms to make. This college has been prosecuting extension work for seven or eight years, laboring under the difficulty of lack of funds. * * * I am anxious to do whatever is possible to aid in the passage of this measure, and have written our Senators accordingly."

SOUTH CAROLINA.

President Clemson Agricultural College: "I have read this bill with a great deal of interest. * * * I consider it one of the most important pieces of constructive legislation proposed since the Hatch Act, establishing the agricultural experiment stations. There is no question

but that the great need to-day is the dissemination of agricultural information among our rural people. We would welcome the passage of such a bill as yours, and assure you that we would try to make its application in South Carolina of the greatest usefulness to our people."

SOUTH DAKOTA.

President South Dakota State College: "The cause is one that has our hearty indorsement. I have not been negligent of Senate bill 4563. I believe that our delegation will support it."

Principal, School of Agriculture: "I think our farming people * * * have almost no realization of the advantages that will come from legislation of this kind. * * * I feel positive that this work will greatly advance the agricultural interests of this great State of South Dakota."

TENNESSEE.

President University of Tennessee: "I am heartily in favor of the passage of this act. I believe the work contemplated by it to be of the greatest importance. I will be glad to do anything in my power to influence its passage."

TEXAS.

President Agricultural and Mechanical College: "If this bill should become a law, I am sure that it will mark a new era in agricultural education among the masses in America. * * * I can think of no expenditure of money by the Government that would be more remunerative to the Nation and which would redound to the amelioration of so large a number of our most deserving fellow citizens."

Editor Farm and Ranch: "This is a very important measure and one that should be passed without opposition."

UTAH.

President Agricultural College of Utah: "Utah established an agricultural extension department several years ago. * * * We are unable, however, with the means at our disposal, to meet the demands made upon us. * * * You are at perfect liberty to quote the officials of the Utah Agricultural College as being in very hearty sympathy with any measure for the promotion of our industrial life through the development of extension work among the farmers and farmers' wives throughout the country. It is possibly the most important work now lying before the agricultural colleges, since it permits the proper distribution among those who need it of the splendid mass of facts gathered by the agricultural experiment stations."

VIRGINIA.

President Virginia Polytechnic Institute: "This is by far the best proposition which has yet come forward. * * * The bill seems carefully drawn, and I can most heartily indorse it."

WASHINGTON.

Vice president State College of Washington: "I have been waiting a little to find what was recommended by the meeting of the agricultural college representatives and find that they are all of them backing this particular bill. There is certainly a large demand for more extension work in the country. We need to rationalize our education and make it more helpful to the young men and young women who do not expect to enter professional life. I will write to our Representatives and Senators and ask for their hearty cooperation in the passage of Senate bill 4563."

WEST VIRGINIA.

President West Virginia University: "I thank you very much for a copy of the bill sent, and hasten to express my wish that it may become a law. * * * This is one of the greatest works for the benefit of the entire country to which public money can be devoted. It is through the extension work, and through it alone, as far as I can see, that the people of most of our rural communities can be thoroughly awakened to the need and value of agricultural education. The proposed bill seems to me to be satisfactory in every detail, and I hope that you will be successful in securing its passage."

Dean and director College of Agriculture, West Virginia University: "I am sending out a letter to some of our leading people urging the support of your bill, and would like to send a copy of the bill with these letters. * * * We shall give this measure every support possible."

WISCONSIN.

Dean University of Wisconsin: "Senate bill 4563 * * * is, to my mind, the most suggestive measure that is under consideration in Congress for the advancement of the agricultural welfare of the Nation. What is needed most imperatively is the carrying of present agricultural knowledge to the man on the farm. * * * The agricultural extension service is the only way in which this can be most effectively accomplished, and your bill most satisfactorily fulfills this need. * * * We in Wisconsin will do all that we can to aid in the passage of this measure."

Secretary Wisconsin Country Life Conference Association: "The following resolution was unanimously adopted by the conference association, representing all the varied interests of country life and rural progress in all parts of Wisconsin:

"Resolved, That it is the sentiment of this conference association that we urge our Representatives in Congress to support the bill 'To establish agricultural extension departments in connection with the agricultural colleges in the several States, etc.' House bill 18160, Senate bill 4563."

"I take pleasure in acquainting you with representative Wisconsin sentiment on this measure."

Secretary Wisconsin Live Stock Breeders' Association: "Inclosed herewith please find copy of resolution passed unanimously by the Wisconsin Live Stock Breeders' Association, an organization representing all of Wisconsin's best live-stock breeders:

"MADISON, Wis., February 8, 1912.

"Resolved, That the Wisconsin Live Stock Breeders' Association assembled in annual convention heartily indorses the principle of Government aid to agricultural college extension as embodied in the Lever bill (House bill 18160), and that we authorize the secretary of this association to send a copy of these resolutions to the chairmen of the Senate and House Committees on Agriculture and to Members of the Wisconsin delegation in Congress."

Secretary National Association of State Universities: "I am deeply interested in your Senate bill 4563. The bill ought to pass, and I should be glad to cooperate with you in any way within my power to bring about the desired result."

Mr. W. O. Thompson, member executive committee Association of American Agricultural Colleges and Experiment Stations and president Ohio State University: "As chairman of the executive committee of the Association of American Agricultural Colleges and Experiment Sta-

tions I should be very much pleased to be heard before the committees of both the House and Senate. As a little evidence of our interest, I may say that we started agricultural extension four years before the legislature authorized it, and had as many as 8,000 boys on the farms doing experimental work. * * * The Agricultural College Association expressed itself very decidedly last November in favor of agricultural extension."

Secretary New England Conference on Rural Progress: "At a meeting of the New England Conference on Rural Progress, March 8, at the offices of the State board of agriculture, statehouse, Boston, the following resolutions were unanimously voted:

"Recognizing the latent possibilities of the New England States for agricultural development, especially along certain high-class, specialized lines, and realizing that this development can be most speedily and effectively brought about through well-organized extension teaching in agriculture, the New England Conference on Rural Progress—representing more than 70 organizations interested in rural life—to-day assembled in convention in the city of Boston, would respectfully urge upon Congress the necessity and advisability of passing legislation granting Federal funds for the development of extension teaching in agriculture. Of the bills now before Congress we believe Senate bill 4563 and House bill 18160 to be the wisest and most practical forms of legislation yet proposed."

"The delegates represent the agricultural colleges, the experiment stations, the State granges, and various special agricultural, live stock, dairying, and other organizations and agencies of New England."

State superintendent of farmers' Institutes, Lansing, Mich.: "At the Michigan State Round-up Farmers' Institute, held at this place on February 27 to March 1, at which representative farmers from more than 50 of the counties of the State were present, the following resolution was adopted:

"Whereas Representative A. F. LEVER, of the seventh district of South Carolina, has introduced a bill to establish agriculture extension departments in connection with agricultural colleges in the several States receiving the benefits of an act approved July 2, 1862, and acts supplementary thereto, and referred to the Committee on Agriculture: Therefore

"Resolved, That the members of the Seventeenth Annual Farmers' Institute Round-up, in session at the Michigan Agricultural College, ask and urge its Senators and Members of Congress to favor the passage of this bill."

"I would say that, in addition to the above delegates, the executive officers of the State Grange, State Federation of Farmers' Clubs, State Horticultural Society, and nearly 1,000 farmers were present and voted unanimously for the resolution."

Editor Agricultural Epitome, Spencer, Ind.: "I congratulate you on so far-reaching a measure as Senate bill 4563 is intended to be. If Congress does nothing else than pass this bill, it will justify the wisdom of the forefathers."

UNION CITY, GA., February 26, 1912.

Dr. A. M. SOULE

(Care Hon. Hoke Smith), Washington, D. C.:

Resolutions adopted by Georgia Farmers' Union that the bills now pending in Congress which propose to appropriate a sum of money to each State for agricultural education, providing the State will appropriate a similar amount, known as House bill 18160 and Senate bill 4563, be heartily indorsed and supported.

J. F. McDANIEL, Secretary-Treasury.

The committee recommends the passage of the bill as it came from the House, with only the following amendment:

On page 5, line 14, strike out the words "duly appointed by the governing boards of said colleges," and insert "of the State, duly authorized by the laws of the State."

During the reading of the report,

Mr. SMOOT. Mr. President, I should like to ask the Senator from Georgia if he would be satisfied to have the report printed in the RECORD without further reading?

Mr. SMITH of Georgia. There are a few suggestions I desire to make about it a little later on. This is the noon hour, and I would rather let the reading continue for the present, because when Senators get through with their lunch the probabilities are that there will be more of them in the Senate Chamber a little later on.

Mr. SMOOT. I thought there were so few in the Chamber that it would make no difference to the Senator if the report were printed in the RECORD without further reading.

The PRESIDING OFFICER. The Senator from Georgia requests that the reading be completed.

After the reading of the report had been concluded,

Mr. SMITH of Georgia. Mr. President, the Senator from Vermont [Mr. PAGE] has a substitute which he intends to offer to the pending bill, and I think this would probably be an appropriate time for him to offer it.

Mr. PAGE. I move, touching the bill now before the Senate, House bill 22871, to strike out all after the enacting clause and substitute what I send to the desk.

Mr. SMITH of Georgia. Before the Secretary reads the substitute, I would like to say to the Senate that under the provisions of the bill which the House has passed, to make the appropriations effective, with the exception of \$10,000 to each State, duplicate appropriations must come from the respective States. It is also necessary that the States should accept the plan.

Nearly every State in the Union has its legislature in session at the present time. A number of the States will have no legislatures in session again for two years. It is, therefore, of very great importance that this House bill should pass as speedily as possible, so that the legislatures of the respective States may at once take up the subject of the acceptance of the provisions of the bill and of the appropriations which the respective States must make.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. WORKS. If no Senator desires to discuss this joint resolution, I ask that the unfinished business be temporarily laid aside. It would be an excellent opportunity for discussion, if Senators desire.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. Mr. President, I only desire at this time to urge upon the Senate the importance of speedy action upon this bill. The Senator from Vermont has offered as a substitute the measure which has been pending for some time before the Senate, known as the Page vocational-educational bill. Whether the Senate adopts his substitutes or adopts the original bill, if we are to have legislation at this session of Congress it is important that action should be speedily taken.

Of course if the Senate adopts the substitute of the Senator from Vermont, it must go to conference, and we will see what can be done as a result of the conference. If the Senate adopts the bill as it has passed the House, we have the legislation certain, the House already having acted upon it.

But whatever may be the vote of the Senate, whether for the substitute of the Senator from Vermont or for the bill as it comes from the House, I wish to beg that the Senate give very speedy time for the hearing. If the bill passes as it comes from the House and we notify the States at once, nearly every State in the Union will through its legislature act upon this matter within the next two months.

I will not discuss the merits of the two measures just now, but I wish to ask Senators to consider whether we may not fix a day, within the next two or three days, when we will take up and dispose of this bill, together with the substitute of the Senator from Vermont. I do not think the debate would last long. I should like to request the Senator from Vermont to state what he thinks about it.

Mr. PAGE. I would be very glad, indeed, to know that the Senate would take up this substitute measure and discuss it at length, but I regret to say that my efforts to bring about a discussion have not yet been successful. I had hoped, and I join with the Senator from Georgia in the opinion, that there will not be much discussion on this measure. I also am very anxious that it shall receive early consideration, as suggested by the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President—

Mr. GALLINGER. Will the Senator yield to me for a moment?

Mr. SMITH of Georgia. Certainly.

Mr. GALLINGER. I observe the Senator from Vermont suggested that he would like to have the bill discussed at length and then modified his statement. It seems to me that no lengthy discussion is needed. The Senator from Vermont has made one or two very illuminating speeches, and the Senator from Georgia is now discussing the measure. I am not quite sure how I shall vote, but this is a very important matter, and it does seem to me that we ought to get a vote without any very lengthy discussion of it.

Mr. SMITH of Georgia. I do not think I will wish to take over half an hour. I spoke before very briefly upon the House bill. The bill of the Senator from Vermont contains also, in a modified form, the measure which has been sent us from the House. As I understand it, no one is opposed to the agricultural extension work. We are all for that.

Mr. GALLINGER. It is a mere question of form, rather than substance.

Mr. SMITH of Georgia. Well, as to the form, it is not so important. The real difference between the substitute of the Senator from Vermont and the House bill is whether just at this time we shall stop with the agricultural extension work or whether we are ready now to undertake to go further with the vocational educational work, and also whether we are satisfied with the measure for vocational educational work as it is presented.

I wish to disclaim opposition to the vocational educational work. I am for it. To-night the Senator from Vermont and I are to meet with a gentleman whom he regards as a special master of this subject to see if there is objection to the way in which the proposed substitute for the House bill provides vocational education.

I hope to be able while I am in the Senate to vote for a vocational educational bill. I have some doubt as to the details of this particular bill, but I am—

Mr. GALLINGER. If the Senator will permit me just a moment—

Mr. SMITH of Georgia. Certainly.

Mr. GALLINGER. I did not mean when I said it was a matter of form that there was no difference in the details. I understand perfectly the difference in the bills, and it is for the Senate to decide which, in the judgment of the Senate, is the better measure. Personally, while I am very strongly in favor of some legislation, I trust the suggestion the Senator has just made that there is to be a consultation may result in a compromise bill.

Mr. SMITH of Georgia. I wish to say that the Senator from Vermont has been just as courteous about his bill as a man possibly could be. He has urged me to suggest amendments where I felt there was just criticism. But I have not been able to satisfy myself about just what shape the measure should take. I would rather see his substitute pass and go to conference than not to have either the substitute or the original bill pass. I do not think the debate upon the bill will last two hours if we set a time for action upon it.

Mr. SMOOT. I suggest to the Senator that perhaps we can get to a vote at an earlier date by not agreeing upon a time. If there is to be no discussion and the Senate is ready to vote, it seems to me to be more likely that we can vote upon it at a much earlier date than if we should set a day at some future time.

Mr. SMITH of Georgia. Unless we set a date just a couple of days off. I think a good many Senators who are now absent wish to be present when the vote is taken. I stated to the Senator from Vermont and to the Senator from Utah that I would not undertake to press the bill to a vote to-day, because I understood there were Senators interested in the measure who would be absent.

Mr. SMOOT. That is true. Therefore it would be better not to ask for a unanimous-consent agreement at this time to fix a day. I believe that the quicker way to secure the passage of the bill would be to bring it up and discuss it, and when the discussion is through to vote on it.

Mr. SMITH of Georgia. Mr. President, just a word or two further to the Senate with reference to the subject.

The substitute that has been offered contains about seven or eight different provisions for the contribution of money to educational work. The first is to schools of a secondary grade, what we would usually term high schools. They are divided into two classes, those that have an equipment or a plant for manual training and those that have not. It appropriates \$3,000,000 to be used toward the introduction of vocational work, manual training, and household economics into the latter class of schools. Then it puts \$3,000,000 into those that have plants especially for vocational education. So \$6,000,000 is to go to the secondary schools, which are the high schools, half of it to those that have a special plant or equipment for manual training or industrial schools exclusively and the other half to schools of secondary grade, even though they are generally engaged in high-school educational work free from vocational training.

It also appropriates money to the colleges of agriculture to establish a chair for the education of teachers on these lines. It also appropriates money to establish a chair in the normal schools for the training of teachers on these lines. It appropriates money for additional experiment stations throughout the States. It appropriates money to establish an agricultural high school in each congressional district.

These are the elements of appropriation which the substitute contains that are not covered by the House bill. In all, the Page substitute appropriates \$13,000,000 for the purposes named not covered by the House bill. It also appropriates, in round sums, \$3,000,000 to be used by the colleges of agriculture for the establishment of extension departments, to enable the colleges of agriculture and experiment stations to carry the information which they have gathered during the past 50 years and the truths that they have made clear by their experiment stations and demonstrate them alongside the home of the farmer.

The farm-demonstration work is one of seven things that the bill of the Senator from Vermont undertakes to do. That is the only thing the bill sent us by the House undertakes to do.

As to that particular work—the establishment of extension departments in the colleges of agriculture—each bill has exactly the same purpose. It might be said for the bill which has come to us from the House that it has been worked out a little more completely in detail and is in more perfect shape than the measure as it is found in the bill of the Senator from Vermont.

The friends of each measure approve the House bill. There is no conflict between us or between the advocates of either of the bills as to the wisdom of passing the House bill. The Page bill contains it as one of more than half a dozen things which it undertakes.

There is much that the Page bill undertakes to do that I am exceedingly desirous of seeing done. I am not satisfied that it is yet worked out in detail in a manner to suit the condition of the States and to justify the appropriations. If I had the control of both, and if I could satisfy the Senator from Vermont, I would say pass the House bill as it had been sent to us, and then pass a joint resolution and send it to the House providing for the appointment of a commission of about 25 men, each from a different State, two-thirds of them engaged in educational work, to whom the vocational bill might be referred, so that they could give us a more detailed plan for the work, with more perfect limitations as to the way in which the money is to be spent.

But I do not expect to make any fight upon the bill of the Senator from Vermont. I simply wish to point out the trouble in my mind upon it. I am so cordially in favor of doing something in that line that I hesitate even to criticize its details.

Now, I suppose the substitute of the Senator from Vermont will be read.

The PRESIDING OFFICER. The Senator from Vermont [Mr. PAGE] has offered Senate bill No. 3 as a substitute for House bill 22871. The substitute bill, as the Chair recalls it, has already been read, and it will be considered as read now.

Mr. PAGE. I am not positive that it has been read in its present form.

The PRESIDING OFFICER. The Chair is so informed.

Mr. PAGE. The Secretary will know.

Mr. GALLINGER. I think it has been read.

The PRESIDING OFFICER. It has been read.

Mr. PAGE. Mr. President, I wish to say in answer to what the Senator from Georgia has said—and I will take just a moment—that so far as I am concerned I am willing to submit my amendment to his bill to a vote this afternoon; but perhaps that had best not be done, because I have no doubt the Senator and myself can get together in a friendly way and discuss it to-night and improve the measure in some way. But as far as I am concerned I would be glad to have the earliest possible date named for a vote on the bill.

The PRESIDING OFFICER. Without objection, the substitute will be considered as having been read, and it is pending.

The amendment submitted by Mr. PAGE is to strike out all after the enacting clause of the bill and to substitute the following:

CONSTRUCTION.

That the following words and phrases, as hereafter used in this act, shall, unless a different meaning is plainly required by the context, have the following meanings:

First. "School of secondary grade" or "secondary school" or "high school" shall mean a school offering studies and courses of lower than college grade which are designed to provide vocational education in agriculture and home making for persons above 12 years of age and in the trades and industries for persons above 14 years of age; and which, by courses of training approved under the provisions of this act, give vocational instruction in all-day classes to those persons who are preparing for agricultural, industrial, or home-making occupations; or in part-time and continuation classes to persons engaged in or experienced in agricultural, industrial, or home-making vocations; or in evening classes to persons above 16 years of age employed during the day in the respective vocations for which they are given instruction.

Second. "State college of agriculture and the mechanic arts" shall mean a college now receiving, or which may hereafter receive, the benefits of the act of Congress of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts" and of acts supplementary thereto.

Third. "Agricultural-extension department or division" shall mean a department or division which is established under the provisions of this act and under the direction of a State college of agriculture and the mechanic arts in any State, and which gives instruction and demonstrations in agriculture and home economics to persons not residing at said college nor at the district agricultural schools provided for in this act and which conveys or imparts to such persons information on such subjects through field demonstrations, publications, and otherwise.

Fourth. "Separate industrial or home economics school" shall mean a school fitting for useful service in the trades and industries and the home, and having a separate plant and equipment, and separate organization of teachers and courses of study.

Fifth. "District agricultural high school" shall mean a separate agricultural school of secondary grade, in a district composed of a group of counties, and located on a farm.

Sixth. "Branch station" shall mean a branch of a State experiment station conducting field tests and breeding work, and located on a district agricultural high-school farm.

APPROPRIATIONS.

Sec. 2. That the several sums as herein provided in section 3 to section 10, inclusive, be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid, as hereinafter provided, to the respective States and the District of Columbia and to the Federal departments named herein, for instruction in agri-

culture, the trades and industries, and home economics, for agricultural tests and demonstrations, and for administrative purposes.

SEC. 3. That for the maintenance of instruction in agriculture, the trades and industries, and home economics in departments or divisions of schools of secondary grade, other than the separate industrial or home economics schools and the separate district agricultural high schools for which provision is hereinafter made, the sum of \$3,000,000 annually, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States and the District of Columbia in proportion to their population as shown by the Federal census next preceding the year for which such allotment is made. The moneys appropriated under this section shall be known as the secondary school department fund.

SEC. 4. That for the maintenance of instruction in the trades and home economics in separate industrial or home economics schools of secondary grade, the sum of \$3,000,000 annually, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States and the District of Columbia in proportion to their population engaged in trades and transportation and in manufacturing and mechanical pursuits as shown by the Federal census next preceding the year for which such allotment is made. The moneys appropriated under this section shall be known as the industrial or home economics school fund.

SEC. 5. That for the maintenance of instruction in agriculture and home economics in district agricultural high schools of secondary grade as hereinafter provided, the sum of \$3,000,000 annually, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States in proportion to the number of persons engaged in agricultural pursuits as shown by the Federal census next preceding the year for which such allotment is made; and for each State with less than 100,000 people engaged in agriculture, according to such Federal census, the additional sum of \$5,000 for the fiscal year ending June 30, 1916, and annually thereafter. The moneys appropriated under this section shall be known as the district agricultural high-school fund.

SEC. 6. That for the maintenance of branch stations, as provided for in this act, the sum of \$1,000,000 annually, beginning with the fiscal year ending June 30, 1916, to be allotted annually to the States in proportion to the number of persons engaged in agricultural pursuits as shown by the Federal census next preceding the year for which such allotment is made; and for the maintenance of such branch stations in each State with less than 100,000 people engaged in agriculture, according to such Federal census, the additional sum of \$2,000 for the fiscal year ending June 30, 1916, and annually thereafter. The moneys appropriated under this section shall be known as the branch-station fund.

SEC. 7. That for the support in each State college of agriculture and the mechanic arts of an extension department or division, the sum of \$640,000 annually, beginning with the fiscal year ending June 30, 1913, of which annual appropriation \$10,000 shall be allotted to each of the 48 States for the benefit of such extension departments; and for the maintenance of such extension departments, the additional sum of \$400,000 for the fiscal year ending June 30, 1914; the additional sum of \$700,000 for the fiscal year ending June 30, 1915; the additional sum of \$1,000,000 for the fiscal year ending June 30, 1916; the additional sum of \$1,300,000 for the fiscal year ending June 30, 1917; the additional sum of \$1,600,000 for the fiscal year ending June 30, 1918; the additional sum of \$1,900,000 for the fiscal year ending June 30, 1919; the additional sum of \$2,200,000 for the fiscal year ending June 30, 1920; the additional sum of \$2,500,000 for the fiscal year ending June 30, 1921, and annually thereafter; these additional sums to be allotted annually to the States in proportion to their population engaged in agriculture, as shown by the Federal census next preceding the year for which such allotment is made. The moneys appropriated under this section shall be known as the extension work fund.

SEC. 8. That for the preparation of teachers to give instruction in or closely related to agriculture, the trades and industries, and home economics, in departments or divisions of education in the State colleges of agriculture and the mechanic arts of the respective States, the sum of \$640,000 for the fiscal year ending June 30, 1913, and annually thereafter; of which annual appropriation \$20,000 shall be allotted for the use and benefit of said departments or divisions of education in land-grant colleges in each of the 16 States which maintain separate land-grant colleges for persons of the colored race, \$10,000 of which shall be for the education of persons of the white race and \$10,000 for the education of persons of the colored race; and \$10,000 shall be annually allotted for the use and benefit of said departments or divisions of education in each of those States which do not maintain separate land-grant colleges for persons of the colored race. The moneys appropriated under this section shall be known as the college teachers' training fund.

SEC. 9. That for the preparation of teachers to give instruction in or closely related to agriculture, the trades and industries, and home economics in State normal schools and in other schools furnishing special training for teachers, the sum of \$1,000,000 annually, beginning with the fiscal year ending June 30, 1913, to be allotted annually to the States and the District of Columbia in proportion to their population as shown by the Federal census next preceding the year for which such allotment is made; and, for such instruction as in this section is provided, in each State with less than 300,000 inhabitants the additional sum of \$3,000 for the fiscal year ending June 30, 1913, and annually thereafter. The moneys appropriated under this section shall be known as the normal teachers' training fund.

SEC. 10. That the sum of \$40,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended under the direction of the Secretary of the Interior in paying the necessary expenses of administering the provisions of this act relating to schools of secondary grade and to the preparation of teachers in agriculture, trades and industries, and home economics; the sum of \$20,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended under the direction of the Secretary of Agriculture in paying the necessary expenses of administering the provisions of this act relating to extension departments or divisions and branch stations; the sum of \$15,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended by the Secretary of Agriculture in paying the necessary expenses of giving advice and assistance, as herein provided, to the Secretary of the Interior in the administration of the provisions of this act relating to all schools of secondary grade giving training in agriculture and home economics, and to the preparation of teachers in these vocations; the sum of \$15,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended under the direction of the Secretary of Commerce and Labor in paying the necessary expenses of giving advice and assistance, as herein provided, to the Secretary of the Interior in the administration of the provisions of this act relating to instruction in the trades and industries and to the preparation of

teachers for these vocations. The moneys appropriated under this section shall be known as the administration fund.

SEC. 11. That the Secretary of the Interior is hereby charged with the duty, and to him is hereby given all necessary power, to administer the provisions of this act relating to all schools of secondary grade and to the preparation of teachers in agriculture, the trades and industries, and home economics as herein provided; to secure advice and assistance from the Secretary of Agriculture and the Secretary of Commerce and Labor in carrying out the provisions of this act, in the making of investigations concerning education in the industries, home economics, and agriculture, and in the making of reports thereon; to cooperate with the State boards for vocational education herein provided for the respective States and the District of Columbia in developing the work of such secondary schools and in the training of such teachers; and to give to such boards for vocational education such advice and assistance as will best enable them to carry out the provisions of this act.

SEC. 12. That the Secretary of Agriculture is hereby charged with the duty, and to him is hereby given all necessary power to administer the provisions of this act relating to extension departments and branch stations; to make investigations and studies relating to the work of such departments and branch stations, and to issue reports thereon; to cooperate with the authorities of the State colleges of agriculture and the mechanic arts and the State experiment stations in developing the work of such departments and branch stations and in giving such State experiment stations such advice and assistance as will best enable them to carry out the provisions of this act; and to aid the Secretary of the Interior by giving advice and assistance to him in carrying out the provisions of this act relating to instruction in agriculture and home economics in schools of secondary grade and to the preparation of teachers for these vocations, and to make such investigations in relation to agriculture and home economics and such reports thereon as may be necessary in discharging this responsibility.

SEC. 13. That the Secretary of Commerce and Labor is hereby charged with the duty, and to him is hereby given all necessary power to aid the Secretary of the Interior by giving advice and assistance to him in carrying out the provisions of this act relating to instruction in the trades and industries in schools of secondary grade and to the preparation of teachers for these vocations, and to make investigations relating to education and research in the trades and industries and issuing reports thereon.

SEC. 14. That in order to secure the benefits of any fund provided for in this act any State shall, through the legislative authority thereof, accept the provisions of this act relating to such fund, and shall appoint the State treasurer custodian, to be known as custodian for vocational education, for all moneys received by such State under this act, and shall provide for the proper custody, administration, and disbursement of such moneys, as herein provided; and the District of Columbia shall, through the commissioners thereof, accept the provisions of this act, and shall appoint a custodian of all the moneys received by the District of Columbia under this act, to be known as custodian for vocational education, and shall provide for the proper custody, administration, and disbursement of such moneys. Any State or the District of Columbia may accept the benefit of any one or more of the respective funds herein appropriated to it, and may defer the acceptance of the benefit of any one or more of such funds, and shall be required to meet only the conditions imposed in relation to those funds the benefit of which it has accepted.

SEC. 15. That no State or the District of Columbia shall be entitled to the benefit of the secondary-school department fund, the industrial or home-economic school fund, the district agricultural high-school fund, the college teachers' training fund, or the normal teachers' training fund until the legislative authority thereof shall, by law, have created or designated a board of control, to be known as the board for vocational education, consisting of not less than three members, and having all necessary power to cooperate with the Secretary of the Interior in the administration of the provisions of this act relating to such schools of secondary grade and to such training of teachers; and such a board for vocational education for any State or the District of Columbia may consist of the board of education or other body having charge of the administration of public education therein.

SEC. 16. That no State shall be entitled to the benefit of the district agricultural high-school fund until it has, through the legislative authority thereof or through its board for vocational education, divided the State into districts, providing in each district for one district agricultural high school and in connection therewith a branch station, the total number of such districts and branch stations in a given State to be not less than one for each 15 counties nor more than one for each 5 counties and fraction of 5 counties; and in any State where separate district agricultural high schools are provided for the negro race the legislative authority of such State may divide the entire State into districts, providing in each district for one such school for the white race, and may divide the entire State into other and different districts, which need not be coterminous with those for the white race, providing in each such district for one school for the negro race; but the total number of such schools for the white and the negro races in such a State shall not be less than one for each 15 counties nor more than one for each 5 counties or fraction of 5 counties. Any district agricultural high school shall be open to admission without tuition charges and upon the same conditions to all persons, otherwise qualified as herein provided, residing in the district in which such school is located; but such school may be supported and controlled by the State, or by the district in which it is located, or by a portion thereof.

SEC. 17. That no State shall be entitled to the benefit of the branch station fund until its legislative authority shall, by law, have provided for one branch station in connection with each district agricultural high school receiving funds under this act, and shall have provided as an appropriation for the annual maintenance of such branch stations a sum at least equal to that allotted annually for this purpose to the State under this act; and the sum paid to each State for branch stations shall be applied only to paying the necessary expenses of conducting, by such branch stations, field tests, plant breeding, and other scientific work bearing directly on the occupation of agriculture in the United States, having due regard for the varying conditions and needs of the respective States.

SEC. 18. That no State shall be entitled to any part or all of its allotment for extension department work until its legislative authority shall, by law, provide for the establishment of an extension department or division in the State college of agriculture and the mechanic arts as herein provided, and shall have provided as an appropriation for that work an amount at least equal to the amount annually allotted to the State for such extension work under this act.

SEC. 19. In order to secure the benefit of the secondary school department fund, the industrial or home economics school fund, the district agricultural school fund, the college teachers' training fund, or the normal teachers' training fund, the board for vocational education for each State and the District of Columbia shall adopt, with the approval of the Secretary of the Interior, and place in operation a general administrative scheme or plan, with such modifications as may be made from time to time, for the proper distribution of moneys to school of secondary grade and to colleges and normal schools as herein provided; for the inspection and approval of such schools and colleges under the provisions of this act; and for the formulation and application in such inspection and approval of standards and requirements in vocational education as to types of schools, location, course of study, qualifications of teachers, methods of instruction, conditions of admission, and employment of pupils. In order that such a plan may be adapted to the needs of the State or the District of Columbia in which it is to become operative, the Secretary of the Interior shall, in passing upon it and its modifications from time to time, take into consideration the social, economic, industrial, educational, and administrative conditions, and all other relevant circumstances in such a State or the District of Columbia. It shall be the duty of such board for vocational education for any State or the District of Columbia to make annually to the Secretary of the Interior a full and detailed report of its administration of the provisions of this act relating to all such schools of secondary grade and to the training of teachers in colleges and normal schools as herein provided, and to make such additional statements and reports as may be required by the Secretary of the Interior in the discharge of his responsibility under this act.

SEC. 20. That it shall be the duty of the board of trustees or other authority having charge of any State college of agriculture and the mechanic arts receiving the benefit of the extension work fund to administer the provisions of this act relating to such extension work, under general plans approved by the Secretary of Agriculture; to cooperate with the Secretary of Agriculture in the development of such work; to make to the Secretary of Agriculture a full and detailed report of its operations in the direction of extension work as defined in this act, including a detailed statement of receipts and expenditures from all sources for this purpose, and to make such additional statements and reports as may be required by the Secretary of Agriculture in the discharge of his responsibility for such extension work under this act.

SEC. 21. That it shall be the duty of the board of trustees or other authority having charge of any State experiment station receiving the benefit of the branch station fund to administer the branch station work herein provided in accordance with the provisions of this act and as a part of such State experiment station, under general plans approved by the Secretary of Agriculture; to cooperate with the Secretary of Agriculture in the development of the work of such branch stations; to make to the Secretary of Agriculture a full and detailed report of all its operations in branch station work as defined in this act, including a detailed statement of receipts and expenditures from all sources for this purpose, and to make such additional statements and reports as may be required by the Secretary of Agriculture in the discharge of his responsibility for such branch stations under this act.

SEC. 22. That any school of secondary grade, or school or college for the preparation of teachers in agriculture, the trades and industries, and home economics, receiving funds under this act in any State or the District of Columbia shall, in order to receive the benefits of this act, conform to the requirements of the board for vocational education of such State or the District of Columbia; shall cooperate with such board in the development of the work of such school or college as herein provided; shall make to the board for vocational education of such a State or the District of Columbia a full and detailed report of its operations in the administration of the funds received by it under this act, including a detailed statement of receipts and expenditures from all sources for this purpose; and shall make such additional statements and reports as may be required by such board for vocational education in the discharge of its responsibility for such school under this act.

SEC. 23. That in order that any State or the District of Columbia may receive the benefit of the secondary-school department fund, the industrial and home-economics school fund, the district agricultural high-school fund, the college teachers' training fund, or the normal teachers' training fund under this act, it shall be the duty of the custodian for vocational education of such State or the District of Columbia, as herein provided, to make annually to the board for vocational education of such State or the District of Columbia a full and detailed report of his administration of the moneys received by him from such fund, as herein provided; and in order that any State may receive the benefit of the extension-work fund or the branch-station fund under this act it shall be the duty of such custodian to make annually to the Secretary of Agriculture a full and detailed report of his administration of the moneys received by him from such fund as herein provided, and to make from time to time such additional statements and reports relating to moneys received by him from the secondary-school department fund, the industrial and household arts school fund, the district agricultural high-school fund, the college teachers' training fund, or the normal teachers' training fund as may be required by such board for vocational education, and such additional statements and reports relating to moneys received by him from the extension-work fund or the branch-station fund as may be required by the Secretary of Agriculture in the discharge of their respective responsibilities under this act.

SUPPORT.

SEC. 24. That the Secretary of the Interior shall annually, upon the basis of the annual reports and recommendations made by the board for vocational education for any State or the District of Columbia, together with such additional investigations as he may make in the discharge of his responsibility, ascertain whether such State or the District of Columbia is using the moneys received by it out of the secondary school department fund, the industrial or home economics school fund, the district agricultural high school fund, the college teachers' training fund, or the normal teachers' training fund, in accordance with the terms of this act. On or before the 1st day of July in each year after this act becomes operative he shall certify to the Secretary of the Treasury as to each State or the District of Columbia whether it has complied with the provisions of this act and is entitled to receive its share of such fund, as herein provided, for such State or the District of Columbia and the amounts from such fund which each State or the District of Columbia is entitled to receive. Upon the certification of the Secretary of the Interior, as herein provided, the Secretary of the Treasury shall pay quarterly in advance to the custodian for vocational education of such State or the District of Columbia the moneys to which it is entitled for such schools under this act. Upon the requisition of the board for vocational education of such State or the District

of Columbia, such custodian shall pay to the governing board of any school of secondary grade, or school or college preparing teachers in agriculture, the trades and industries, and home economics, or other authority legally qualified to receive moneys for such school or college, the sum which it is entitled to receive under the provisions of this act.

SEC. 25. That the Secretary of Agriculture shall annually ascertain through investigations and reports whether the States receiving the benefit of the extension work fund or the branch station fund under the provisions of this act are using the funds granted to them in accordance with the terms of this act. On or before the 1st day of July in each year after this act becomes operative he shall certify to the Secretary of the Treasury as to each State whether it has complied with the provisions of this act and is entitled to receive its share of such extension work fund or such branch station fund herein provided for such State, and the amounts which each State is entitled to receive from such fund. Upon the certification of the Secretary of Agriculture herein provided, the Secretary of the Treasury shall pay quarterly in advance to the custodian for vocational education of such State the moneys to which such State is entitled for extension departments and branch stations under this act. Upon the requisition of the board of trustees or other board of control of any State college of agriculture and the mechanic arts or of any State experiment station of any State, such custodian shall pay to the treasurer or other officer duly appointed by such board of control the moneys to which such college or State experiment station is entitled under the provisions of this act.

SEC. 26. That the secondary school department fund shall be used only for distinctive studies in or closely relating to agriculture, the trades and industries, and home economics; the industrial or home economics school fund shall be used only for distinctive studies in or closely relating to the trades and industries and home economics; the district agricultural school fund of secondary grade shall be used only for distinctive studies in or closely relating to agriculture and home economics; the college teachers' training fund shall be used only by departments or divisions of education in these colleges and only in the preparation of teachers to give practical or technical instruction fitting for useful service in agriculture, the trades and industries, or the home; the normal teachers' training fund shall be used only for distinctive studies which are given in separate units organized as departments or divisions of State normal schools or other training schools under a properly qualified head, and which are designed to prepare teachers to give practical or technical instruction fitting for useful service in agriculture, the trades and industries, or home economics; the extension-work fund shall be used only for instruction and demonstrations in agriculture, home economics, and rural affairs; and the branch-station fund shall be used only for field tests, plant breeding, animal breeding, home economics, and other scientific work under plans approved by the directors of the State experiment stations of the respective States.

SEC. 27. That if any portion of the moneys received by the custodian for vocational education of any State or the District of Columbia under this act, for any given purpose named in this act, shall, by any action or contingency, be diminished, lost, or misapplied, it shall be replaced by such State or the District of Columbia, and until it is so replaced no subsequent appropriation for such purpose shall be paid to such State; no portion of any moneys appropriated under this act for the benefit of the States or the District of Columbia shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or to the purchase or rental of lands; and no portion of such moneys shall be expended other than in institutions supported and controlled by the public.

SEC. 28. That whenever it shall appear to the Secretary of the Interior, from the annual statement of receipts and expenditures of the custodian for vocational education of any State or the District of Columbia, that a portion of the preceding annual disbursement made to such State or the District of Columbia from the secondary-school department fund, the industrial or home economics school fund, the district agricultural high-school fund, the college teachers' training fund, or the normal teachers' training fund remains unexpended, a sum equal to such portion or amount shall be deducted by him from the next succeeding annual disbursement from such fund to such State or the District of Columbia; and whenever it shall appear to the Secretary of Agriculture, from the annual statement of receipts and expenditures of the custodian for vocational education of any State or the District of Columbia, that a portion of the preceding disbursement made to such State or the District of Columbia from the extension-work fund or the branch-station fund remains unexpended, a sum equal to such portion shall be deducted by him from the next succeeding annual disbursement from such fund to such State or the District of Columbia, in order that the amount of money distributed to any State or the District of Columbia from any fund provided for in this act shall not exceed the amount actually and necessarily required by the State for the purpose for which such money from such fund may be expended under the provisions of this act.

SEC. 29. That each State and the District of Columbia shall receive for the respective purposes herein provided only such portion of the full amount of any fund to which such State or the District of Columbia would otherwise be entitled as in the judgment of the Secretary of the Interior or the Secretary of Agriculture, in the discharge of their respective responsibilities under this act, it has made ample preparations to use to advantage. And all such moneys as would otherwise be allotted to the respective States and the District of Columbia, but as are not so allotted by the Secretary of the Interior or the Secretary of Agriculture, shall remain in the Treasury.

SEC. 30. That the Secretary of the Interior may withhold a certificate from any State or the District of Columbia for the whole or any part of its annual allotment of money for schools of secondary grade, or for the training of teachers in agriculture, the trades and industries, and home economics to which he decides it not to be entitled under the provisions of this act; and the Secretary of Agriculture may withhold a certificate from any State for the whole or any part of its annual allotment for extension departments or branch stations to which he decides it not to be entitled under the provisions of this act. If the Secretary of the Interior or the Secretary of Agriculture, as herein provided, shall withhold a certificate from any State or the District of Columbia for the whole or any part of its allotment, the facts and reasons therefor shall be reported to the President, in order that the State or the District of Columbia may, if it shall so desire, appeal to Congress from the determination of the Secretary of the Interior or the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

SEC. 31. That the moneys received by any State or the District of Columbia for any given purpose under the provisions of this act shall be used only for such purpose, and shall be distributed among the institutions entitled to the benefit of such moneys in proportion to the amount which each expends out of other income derived from general

or from local public funds for the same purpose during the same period; or such money shall be distributed on some other basis and according to some other plan previously adopted by the Board for Vocational Education or by legislative authority for such State or the District of Columbia, with the approval of the Secretary of the Interior; but there shall in no case be disbursed under the terms of this act to any school or college, out of moneys derived from the secondary school department fund, the industrial or home economics school fund, the district agricultural school fund, the college teachers' training fund, or the normal teachers' training fund, as provided in this act, more money than 50 per cent of the amount which is supplied and expended during the same period for the same purpose for which such fund is to be expended out of either State and local or State or local public moneys.

SEC. 32. That all States, Territories, and the District of Columbia accepting the benefit of any fund under this act shall provide other moneys with which to pay the cost of providing the necessary lands and buildings, and to pay the entire cost of all instruction, supplementary to the practical and technical instruction provided for in this act, necessary in order to complete well-rounded courses of training, the main purposes of which are to give vocational as well as general preparation for agriculture, the trades and industries, and home making, or to prepare teachers for these vocations, suited to the needs of the respective sections and communities of the United States.

SEC. 33. That all correspondence for the furtherance of extension work, as provided for in this act, issued from the State colleges of agriculture and the mechanic arts, receiving the benefits of this act shall be transmitted in the mails of the United States and dependencies free of charge for postage, under such regulations as the Postmaster General may from time to time prescribe.

SEC. 34. That the Secretary of the Interior shall make an annual report to Congress on his administration of the secondary school department fund, the industrial and household arts school fund, the district agricultural high school fund, the college teachers' training fund, and the normal teachers' training fund, under the provisions of this act, and on the work of the boards for vocational education of each State and the District of Columbia in their administration of the moneys received from such funds under the provisions of this act; and he shall make one or more reports to Congress not later than June 30, 1915, concerning the organization of vocational education as provided for in this act.

SEC. 35. That the Secretary of Agriculture shall make an annual report to Congress on his administration of the extension department fund, and the branch station fund, and on the work of the boards of control of the colleges and experiment stations in their administration of the moneys received by them from such funds under the provisions of this act.

SEC. 36. That this act shall take effect immediately on its passage.

Mr. SMOOT. Mr. President, I wish to say that I shall vote for substituting Senate bill No. 3 for what is known as the Lever bill; but if that is carried and the Senate is to consider that bill, then I shall hope at least that, as the Lever bill refers only to extension work, it will be substituted for that part of Senate bill No. 3, because I believe that the Lever bill covers the extension department work in a much more satisfactory form than that work is covered under the Page bill. That can be done afterwards, if the Senate sees fit to substitute the Page bill for the Lever bill.

Mr. SMITH of Georgia. Or it can be done in conference.

Mr. PAGE. I wish to say in regard to that matter what I have said to the Senator from Georgia repeatedly, that the same purpose is aimed at, and if there is any way in which my bill could be amended to make good the purpose of his bill I would be very glad to have it done. I only ask that the fundamentals of the bill be maintained; and I shall hope that every Senator who can see any way to amend the bill in any detail will be prompt to move amendments to the substitute which I have offered.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Vermont [Mr. PAGE] to the bill.

Mr. BURTON. Mr. President, I desire to offer two amendments to the bill under consideration, House bill No. 22871. I ask to have them printed and lie on the table.

The PRESIDING OFFICER. The Senator from Ohio offers two amendments, and asks that they be printed and lie on the table.

Mr. PAGE. I wish that they might be read, if they are brief.

The PRESIDING OFFICER. Without objection, the amendments will be read.

The SECRETARY. At the end of section 2 strike out the period and add the words:

And farm-management work.

Mr. SMITH of Georgia. One moment, Mr. President. I think we would be glad to accept that amendment.

Mr. BURTON. I move its adoption.

Mr. GALLINGER. The substitute is pending.

The PRESIDING OFFICER. There is an amendment pending, the substitute offered by the Senator from Vermont.

Mr. SMITH of Georgia. This is an amendment to the original bill, and we have the right, of course, to perfect the original bill.

Mr. PAGE. Mr. President, a parliamentary inquiry. We are trying to make the measure acceptable, and so far as I am concerned, I would be glad to accept the amendment of the Senator from Ohio at this time.

The PRESIDING OFFICER. The Chair thinks as it is an amendment to the original bill and not to the substitute that it is in order to perfect the original bill.

Mr. GALLINGER. Yes; I beg pardon. I had the two bills confounded. It is evidently in order.

The PRESIDING OFFICER. The Secretary will again read the amendment proposed by the Senator from Ohio [Mr. BURTON].

The SECRETARY. At the end of section 2 strike out the period and insert the words:

And farm-management work.

Mr. GRONNA. Mr. President, I have no objection to this particular amendment. I had hoped the Senator from Vermont would ask that a day be fixed for the consideration of these two bills, and I also hope that all amendments presented now will be pending until such day as we may consider the bill.

Mr. PAGE. I had supposed the request to fix a time for the consideration of the bill should properly come from the Senator from Georgia, and I did not make that request.

Mr. SMITH of Georgia. I am just waiting to confer with Senators.

Mr. GRONNA. I understand that the bill is up for consideration now.

The PRESIDING OFFICER. It is now under consideration and open to amendment. An amendment is pending.

Mr. GRONNA. Very well.

The PRESIDING OFFICER. Does the Senator from Georgia accept the amendment offered by the Senator from Ohio [Mr. BURTON]?

Mr. SMITH of Georgia. I think, perhaps, at the suggestion of other Senators, it had better be printed, and that all the amendments lie on the table for the present.

Mr. CLARKE of Arkansas. Mr. President, I think the suggestion made by the Senator from North Dakota [Mr. GRONNA] an excellent one. For the first time many of us have come face to face with a situation that requires us to familiarize ourselves in absolute detail as to the difference between the two bills and the general purposes that they are to accomplish. It may be that there are some features in one that are excellent not contained in the other that we would desire to include in a composite bill if we had the opportunity, but if it is submitted now as a single question to take one or the other we may be deprived of that opportunity.

I think it a good idea to have all the amendments that are offered pending as well as the proposition to substitute the Page bill for the Lever bill, and when we come to deal with that on some fixed day we will then be prepared to know just exactly whether we want to substitute one bill or a part of it for the other, or take a part of one and a part of the other. It will contribute to a more intelligent disposition of the matter which everybody ought to feel an interest in, and I assume every Senator does feel an interest in it. Because of my own deficiencies in that respect, and I assume others are in the same fix that I am, I quite earnestly hope that it will be the pleasure of the Senate to agree to the suggestion made by the Senator from North Dakota.

Mr. PAGE. I ask that the second amendment, submitted by the Senator from Ohio [Mr. BURTON], may be read.

The PRESIDING OFFICER. The second amendment, submitted by the Senator from Ohio, will be read.

The SECRETARY. It is proposed to add at the end of section 9:

And he shall have authority to coordinate the extension work contemplated in this act with the agricultural demonstration work now being conducted by the United States Department of Agriculture.

The PRESIDING OFFICER. Without objection, this amendment will be printed and lie on the table for consideration with the substitute and the original bill. What is the pleasure of the Senate?

DEBORAH A. GRIFFIN AND MARY J. GRIFFIN.

Mr. JONES. While Senators are conferring with reference to the bill under consideration, I ask unanimous consent that the Senate consider the bill (S. 7785) confirming titles of Deborah A. Griffin and Mary J. Griffin, and for other purposes. It is purely a local measure.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent for the present consideration of the bill, which will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CULBERSON. From what committee does that bill come?

Mr. JONES. From the Committee on Public Lands.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "allotment," to insert "in accordance with the provisions of the act of July 4, 1884 (23 Stat. L., 79)," and on page 2, line 2, after the name "Mary J. Griffin," to insert "and trust patent issue thereon under the provisions of the act of March 8, 1906 (34 Stat. L., 55)," so as to make the section read:

That the Secretary of the Interior be, and is hereby, authorized and directed to make an allotment, in accordance with the provisions of the act of July 4, 1884 (23 Stat. L., 79), of not more than 200 acres of land within the diminished Colville Indian Reservation, in the State of Washington, for the benefit of the heirs of Que-lock-us-soma, deceased, Moses agreement allottee No. 35, jointly, in lieu of the portion of the Moses agreement allotment No. 35 embraced within the patented homestead entries of Deborah A. Griffin and Mary J. Griffin, and trust patent issue thereon under the provisions of the act of March 8, 1906 (34 Stat. L., 55).

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 13, after the word "quarter," to insert "of the southwest quarter," and in line 18, after the word "allotment," to strike out "for" and insert "of," so as to make the section read:

Sec. 2. That the patent in fee heretofore issued in the name of Deborah A. Griffin, June 30, 1906, for lots 1 and 2 and the northeast quarter southeast quarter section 6, and lots 1 and 2, section 5, township 36 north, range 27 east of the Willamette meridian; and a similar patent issued in the name of Mary J. Griffin, November 21, 1910, for the southeast quarter of the southwest quarter, and lots 5, 6, and 9 of section 31, township 37 north, range 27 east of the Willamette meridian, all situated in Okanogan County, Wash., be, and the same are hereby, confirmed and declared valid notwithstanding the previous allotment of a portion of this land under Moses agreement allotment No. 35.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LICENSES OF DRIVERS OF PASSENGER VEHICLES.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 22010) to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL EXTENSION DEPARTMENT.

Mr. SMOOT. Mr. President—

Mr. SMITH of Georgia. Mr. President, one word, if the Senator from Utah will allow me—

Mr. SMOOT. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I think now that it probably would be best to discontinue the consideration of the House bill for the creation of the extension divisions of the agricultural colleges; and, with the consent of the Senate, I will do so; but I desire to give notice that on Monday morning next, immediately after the morning business, I shall ask the Senate to again take up the bill for consideration, and at that time I shall endeavor to keep it before the Senate until a vote is had upon it. I do not ask unanimous consent, but simply give notice, so that Senators may all understand that the probability is that the bill will go forward on Monday to a vote, both upon the substitute and upon the original bill. I take this course in deference to the views of some of the Senators who are disposed to cooperate with me to give the bill a hearing on Monday and yet hesitate about making a unanimous-consent agreement.

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

Mr. SMITH of Georgia. Mr. President, I do not think we have a quorum.

Mr. CULBERSON. Let us have an executive session.

Mr. CLARKE of Arkansas. Let us first have a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. Pending the motion of the Senator from Utah [Mr. Smoot], the Senator from Arkansas [Mr. Clarke] suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bourne	Clapp	Curtis	Heiskell
Bradley	Clarke, Ark.	Dillingham	Hitchcock
Brandegee	Crane	Fletcher	Johnson, Me.
Bryan	Crawford	Gallinger	Johnston, Tex.
Burton	Culbertson	Gore	Jones
Chamberlain	Cullom	Gronna	Kenyon

La Follette	Myers	Root	Stephenson
Lippitt	Newlands	Shively	Stone
Lodge	Oliver	Simmons	Sutherland
McCumber	Paynter	Smith, Ariz.	Swanson
McLean	Perkins	Smith, Ga.	Wetmore
Martin, Va.	Perky	Smith, Md.	
Martine, N. J.	Poindexter	Smoot	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the motion of the Senator from Utah, that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two hours and three minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 45 minutes) the Senate adjourned until to-morrow, Saturday, January 18, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 17, 1913.

RECEIVERS OF PUBLIC MONEYS.

Elisha B. Wood, of Minnesota, to be receiver of public moneys at Cass Lake, Minn., his term expiring January 20, 1913. (Reappointment.)

Louis H. Arneson, of Oregon, to be receiver of public moneys at The Dalles, Oreg., his term having expired December 12, 1911. (Reappointment.)

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from January 16, 1913.

Frank Nicholas Cochems, of Colorado.
James Quitman Fountain, of Mississippi.
Edward Starr Judd, of Minnesota.
Joseph MacDonald, jr., of New Jersey.
Justus Matthews, of Minnesota.
Charles Horace Mayo, of Minnesota.
Irving David Steinhardt, of New York.

PROMOTIONS IN THE NAVY.

Medical Inspector Andrew R. Wentworth to be a medical director in the Navy from the 28th day of December, 1912, to fill a vacancy.

Surg. Edward S. Bogert, jr., to be a medical inspector in the Navy from the 28th day of December, 1912, to fill a vacancy.

Surg. Leckinski W. Spratling to be a medical inspector in the Navy from the 12th day of January, 1913, to fill a vacancy.

Machinist Adolph Peterson to be a chief machinist in the Navy from the 27th day of December, 1912, upon the completion of six years' service as a machinist.

Second Lieut. Robert W. Voeth to be a first lieutenant in the Marine Corps from the 22d day of August, 1912, to fill a vacancy.

POSTMASTERS.

ALABAMA.

Dallas B. Smith to be postmaster at Opelika, Ala., in place of Dallas B. Smith. Incumbent's commission expired January 11, 1913.

ARKANSAS.

Edward Bowers to be postmaster at De Witt, Ark., in place of Edward Bowers. Incumbent's commission expired January 14, 1913.

James N. Dowell to be postmaster at Danville, Ark. Office became presidential January 1, 1913.

CALIFORNIA.

Robert R. Allen to be postmaster at King City, Cal., in place of Robert R. Allen. Incumbent's commission expires February 20, 1913.

James T. Clayton to be postmaster at Elsinore, Cal., in place of James T. Clayton. Incumbent's commission expires January 20, 1913.

Lena O. Gregory to be postmaster at Rocklin, Cal., in place of Lena O. Gregory. Incumbent's commission expires January 20, 1913.

CONNECTICUT.

Edward E. Ashley to be postmaster at Plainfield, Conn. Office became presidential October 1, 1912.

Jerome S. Gainer to be postmaster at Norton Heights, Conn., in place of Jerome S. Gainer. Incumbent's commission expired January 11, 1913.

FLORIDA.

D. W. Burke to be postmaster at De Funiack Springs, Fla., in place of William C. Eddy. Incumbent's commission expires February 9, 1913.

GEORGIA.

Sallie S. Dailey to be postmaster at McDonough, Ga., in place of Samuel E. Dailey, deceased.

IDAHO.

A. L. Trenam to be postmaster at Weiser, Idaho, in place of Albert J. Hopkins. Incumbent's commission expired February 19, 1912.

ILLINOIS.

Lulu R. Anderson to be postmaster at Kirkland, Ill., in place of Lulu R. Anderson. Incumbent's commission expired January 11, 1913.

Philip H. Baker to be postmaster at Jonesboro, Ill., in place of Philip H. Baker. Incumbent's commission expired January 11, 1913.

Omer N. Custer to be postmaster at Galesburg, Ill., in place of Omer N. Custer. Incumbent's commission expired January 14, 1913.

Charles J. Ferguson to be postmaster at East Alton, Ill., in place of Charles J. Ferguson. Incumbent's commission expires February 20, 1913.

INDIANA.

Hattie Yarger to be postmaster at Wanatah, Ind., in place of Hattie Yarger. Incumbent's commission expired January 14, 1913.

IOWA.

Richard M. Boyd to be postmaster at Sanborn, Iowa, in place of Richard M. Boyd. Incumbent's commission expired January 11, 1913.

Clinton S. Grouse to be postmaster at Prescott, Iowa, in place of Clinton S. Grouse. Incumbent's commission expired January 11, 1913.

E. E. Heldridge to be postmaster at Milford, Iowa, in place of E. E. Heldridge. Incumbent's commission expires February 9, 1913.

James M. Hutcheson to be postmaster at Blanchard, Iowa, in place of James M. Hutcheson. Incumbent's commission expires February 9, 1913.

Chris Jensen to be postmaster at Graettinger, Iowa. Office became presidential January 1, 1912.

John M. Ryan to be postmaster at Eddyville, Iowa, in place of J. M. Crosson. Incumbent's commission expires February 9, 1913.

Thomas R. Shaw to be postmaster at Coin, Iowa, in place of Thomas R. Shaw. Incumbent's commission expires February 20, 1913.

Robert M. Willard to be postmaster at Lost Nation, Iowa, in place of Robert M. Willard. Incumbent's commission expired April 9, 1912.

KANSAS.

Charles E. Green to be postmaster at Effingham, Kans., in place of Charles E. Green. Incumbent's commission expires February 11, 1913.

LOUISIANA.

Lavinia Insley to be postmaster at Delhi, La., in place of Lavinia Insley. Incumbent's commission expires February 18, 1913.

Charles Manning to be postmaster at Cheneyville, La. Office became presidential January 1, 1913.

Adah Rous to be postmaster at Lake Providence, La., in place of Adah Rous. Incumbent's commission expires January 29, 1913.

MAINE.

Jacob F. Hersey to be postmaster at Patten, Me., in place of Jacob F. Hersey. Incumbent's commission expires January 20, 1913.

MASSACHUSETTS.

George A. Birnie to be postmaster at Ludlow, Mass., in place of George A. Birnie. Incumbent's commission expired January 11, 1913.

Lawrence W. Dower to be postmaster at Easthampton, Mass., in place of Lawrence W. Dower. Incumbent's commission expires February 11, 1913.

MICHIGAN.

R. F. Lemon to be postmaster at Harbor Springs, Mich., in place of R. F. Lemon. Incumbent's commission expired January 11, 1913.

Newton E. Miller to be postmaster at Athens, Mich., in place of Newton E. Miller. Incumbent's commission expired January 12, 1913.

Joseph H. Stephenson to be postmaster at Boyne Falls, Mich. Office became presidential January 1, 1913.

MINNESOTA.

John H. Frost to be postmaster at Minneota, Minn., in place of Gunnar B. Bjornson, resigned.

John P. Lundin to be postmaster at Stephen, Minn., in place of John P. Lundin. Incumbent's commission expired January 12, 1913.

Sterling V. Nixon to be postmaster at Eyota, Minn., in place of Rollo C. Dugan, resigned.

NEBRASKA.

Ray Hicks to be postmaster at Sargent, Nebr., in place of Similien L. Perin. Incumbent's commission expired March 31, 1912.

NEVADA.

Charles F. Littrell to be postmaster at Austin, Nev., in place of Charles F. Littrell. Incumbent's commission expired February 7, 1911.

NEW JERSEY.

W. Burtis Havens to be postmaster at Toms River, N. J., in place of W. Burtis Havens. Incumbent's commission expired December 18, 1911.

Charles D. Stainton to be postmaster at Englewood, N. J., in place of Charles D. Stainton. Incumbent's commission expired March 11, 1912.

NEW MEXICO.

R. E. Rowells to be postmaster at Clovis, N. Mex., in place of W. A. Davis, removed.

NEW YORK.

James P. Fulton to be postmaster at Stanley, N. Y. Office became presidential January 1, 1913.

OHIO.

Walter Elliott to be postmaster at Ada, Ohio, in place of Walter Elliott. Incumbent's commission expires January 20, 1913.

Guy M. Kingsbury to be postmaster at Dunkirk, Ohio, in place of Guy M. Kingsbury. Incumbent's commission expires February 11, 1913.

Henry G. Rock to be postmaster at Sherwood, Ohio. Office became presidential January 1, 1913.

Lawrence H. Warren to be postmaster at Ohio City, Ohio, in place of Sidney J. Winney, removed.

PENNSYLVANIA.

Joseph B. Colcord to be postmaster at Port Allegany, Pa., in place of Joseph B. Colcord. Incumbent's commission expired January 13, 1913.

Thomas J. Davis to be postmaster at Avoca, Pa., in place of Thomas J. Davis. Incumbent's commission expires February 9, 1913.

William Krause to be postmaster at Richland Center, Pa., in place of William Krause. Incumbent's commission expired January 12, 1913.

RHODE ISLAND.

Walter A. Kilton to be postmaster at Providence, R. I., in place of Walter A. Kilton. Incumbent's commission expires February 17, 1913.

SOUTH DAKOTA.

Peter R. Stading to be postmaster at Freeman, S. Dak. Office became presidential January 1, 1913.

TEXAS.

John J. Bartlett to be postmaster at Hughes Springs, Tex., in place of John J. Bartlett. Incumbent's commission expired April 28, 1912.

WASHINGTON.

Charles E. Gehres to be postmaster at Connell, Wash., in place of Emery Troxel, resigned.

George F. Russell to be postmaster at Seattle, Wash., in place of George F. Russell. Incumbent's commission expired December 9, 1912.

WISCONSIN.

Joseph Brehm to be postmaster at Rib Lake, Wis., in place of Duncan McLennan, deceased.

Donal P. Butts to be postmaster at Frederic, Wis., in place of Donal P. Butts. Incumbent's commission expires February 9, 1913.

George M. Carnahan to be postmaster at Bruce, Wis., in place of George M. Carnahan. Incumbent's commission expired January 12, 1913.

Arthur R. Curtis to be postmaster at National Home, Wis., in place of Matthew O'Regan, deceased.

Charles F. Fine to be postmaster at Hillsboro, Wis., in place of Charles F. Fine. Incumbent's commission expires February 18, 1913.

Ray Haggerty to be postmaster at Park Falls, Wis., in place of Ray Haggerty. Incumbent's commission expired December 14, 1912.

Charles F. Henrizi to be postmaster at Menomonee Falls, Wis., in place of Charles F. Henrizi. Incumbent's commission expired February 22, 1910.

Jessie P. Horan to be postmaster at Friendship, Wis. Office became presidential January 1, 1913.

Elizabeth K. Nevins to be postmaster at Bloomington, Wis., in place of Elizabeth K. Nevins. Incumbent's commission expired January 12, 1913.

Alfred S. Otis to be postmaster at Maiden Rock, Wis., in place of Alfred S. Otis. Incumbent's commission expired January 12, 1913.

WYOMING.

John T. Johnson to be postmaster at Superior, Wyo., in place of Henry Harris, resigned.

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 17, 1913.

POSTMASTER.

Matthew O'Regan to be postmaster at National Home, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 17, 1913.

The House met at 12 o'clock noon.

Rev. W. R. Wedderspoon, D. D., of Washington, D. C., offered the following prayer:

Almighty God, our heavenly Father, we bow before Thee with reverence and with devotion. We realize our own weaknesses and our limitations, and we come to the God of wisdom and of power and of blessing and of guidance. We pray that Thou wilt peculiarly bless these, Thy servants, this day as they meet here together in deliberation. Give them a portion of the wisdom that Thou Thyself dost contain. Grant Thy peculiar blessings to these in Thy presence and to their homes, and bless the Chaplain in his sickness, and all Members of the House who may be detained for the same reason to-day.

Hear us for all the high interests that dominate and control us. Bless our own land and all in authority over us, from the one who sits in the chief place to the lowest in life's affairs; and all who have positions of trust, may they seek to live in Thy sight and move in Thy fear. Hear us for our own blessed land, and for the lands of the earth, and hasten the time when men everywhere will be found before Thee clothed in their right mind and dwelling as brothers everywhere. We ask for the pardon of every transgression in the name of our Lord and Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will ask the gentleman to withhold his point of order until a few small matters may be disposed of.

Mr. MOORE of Pennsylvania. Certainly, Mr. Speaker, I will withhold the point of order for the present.

EUGENE C. BONNIWELL.

The SPEAKER. The Chair has in his possession two communications. One of them purports to be a notice of contest by Eugene C. Bonniwell against Mr. Butler, of the seventh Pennsylvania district. On examination of the document, however, it turns out not to be a notice of contest but to be something more in the nature of a memorial to this House, setting forth that the gentleman from Pennsylvania [Mr. BUTLER] ought to be expelled from the House. The Chair also has a copy of the reply of the gentleman from Pennsylvania [Mr. BUTLER], and without consuming any more time the Chair refers both papers to the Committee on Elections No. 1.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested.

H. R. 26680. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7515. An act for the relief of Col. Richard H. Wilson, Fourteenth Infantry, United States Army;

S. 7508. An act to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia; and

S. 7415. An act granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, in New Mexico, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7515. An act for the relief of Col. Richard H. Wilson, Fourteenth Infantry, United States Army; to the Committee on Claims.

S. 7508. An act to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia; to the Committee on the District of Columbia.

S. 7415. An act granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation in New Mexico, and for other purposes; to the Committee on Military Affairs.

EMANCIPATION ACT CELEBRATION.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report back Senate bill 180, providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, and move that it be referred to the Committee on Industrial Arts and Expositions.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to address the House on this proposition.

The SPEAKER. The motion itself is not debatable. The gentleman from Alabama has asked unanimous consent to address the House. For how long?

Mr. HEFLIN. For 10 minutes.

Mr. FITZGERALD. Mr. Speaker, I suggest that if the gentleman desires to address the House he also ask that some one on behalf of the Committee on Appropriations be granted the same privilege.

Mr. HEFLIN. Mr. Speaker, if some one from the Committee on Appropriations would like to address the House, I shall not object.

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for 10 minutes on the motion of the gentleman from New York [Mr. FITZGERALD].

Mr. HAMILL. Mr. Speaker, reserving the right to object, I would ask the introducer of the measure to tell us just what are the purposes of it.

Mr. FITZGERALD. Mr. Speaker, I can not. The motion is not debatable unless unanimous consent is given by the House.

Mr. HEFLIN. Mr. Speaker, let me put the proposition in this way, that seven and one-half minutes be given to me and that seven and one-half minutes be given to some member of the Committee on Appropriations, the time to be in control of the chairman of that committee.

The SPEAKER. The Chair will state that the gentleman from Pennsylvania made the point of no quorum, and that is a right which the Chair feels very much like reserving.

Mr. MOORE of Pennsylvania. Mr. Speaker, I think the gentleman from Alabama had better withhold his request for the present, because I shall insist upon the point of order unless he does. There are some very important matters pending, which may be called up at any time, and I think there should be a quorum present.

The SPEAKER. This matter is not debatable.

Mr. MOORE of Pennsylvania. Then, Mr. Speaker, I object to the request of the gentleman, and make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House. The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 72, noes 5.

So the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Fields	Lewis	Randell, Tex.
Alney	Flood, Va.	Lindsay	Reyburn
Akin, N. Y.	Focht	Longworth	Riordan
Ames	Fordney	McCall	Scully
Ansberry	Fornes	McCoy	Sells
Barchfeld	George	McKellar	Smith, J. M. C.
Bathrick	Goeke	Maher	Smith, Cal.
Berger	Gould	Martin, Colo.	Sparkman
Burleson	Gregg, Pa.	Matthews	Speer
Carter	Hammond	Merritt	Stack
Cary	Harrison, N. Y.	Moore, Pa.	Sullivan
Conroy	Henry, Conn.	Moore, Tex.	Talbot, Md.
Covington	Hill	Mott	Taylor, Ala.
Cravens	Howard	Needham	Taylor, Colo.
Currier	Howell	Nelson	Taylor, Ohio
Danforth	Howland	Oldfield	Townsend
Daugherty	James	Olmsted	Turnbull
Davis, Minn.	Johnson, Ky.	O'Shaunessy	Underwood
Davis, W. Va.	Kitchin	Palmer	Vare
De Forest	Konig	Parran	Vreeland
Dixon, Ind.	Lafean	Patten, N. Y.	Watkins
Driscoll, D. A.	Lafferty	Payne	White
Dwight	Langham	Peters	Wilson, Ill.
Dyer	Legare	Post	Wilson, N. Y.
Ellerbe	Lenroot	Pujo	Woods, Iowa
Fairchild	Levy	Rainey	

The SPEAKER. On this roll call 279 Members answered to their names, a quorum. The Doorkeeper will open the doors.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

Mr. HEFLIN. Mr. Speaker—

Mr. BURNETT. Mr. Speaker—

Mr. FITZGERALD. Mr. Speaker, there is a motion pending.

The SPEAKER. The motion pending is for a change of reference.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FITZGERALD] may have five minutes and the gentleman from Alabama [Mr. HEFLIN] may have five minutes in which to address the House on this motion.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that the gentleman from New York [Mr. FITZGERALD] and the gentleman from Alabama [Mr. HEFLIN] may each have five minutes to address the House on this change of reference. Is there objection?

Mr. FOSTER. Mr. Speaker, I would just inquire if those gentlemen desire this time to make a statement?

The SPEAKER. Yes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I ask that the bill be read in my time.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 180) providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes.

Be it enacted, etc., That whenever the President of the United States shall be satisfied that the Semicentennial American Emancipation Exposition Co., a corporation organized under the laws of the State of Georgia, has made provision for an exposition to be held during the year 1913, to illustrate the history, progress, and present condition of the Negro race, and to celebrate the fiftieth anniversary of the proclamation of emancipation by President Lincoln, on the 1st day of January, 1863, and that the said corporation has raised and secured money or property to the amount of not less than \$50,000 for the purposes of such exposition, the President is authorized and respectfully requested to make proclamation of the time and place and purpose of such exposition and celebration and of such other information in relation thereto as he may deem expedient.

Sec. 2. That in furtherance of the object set forth in section 1 of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, to be expended under rules and regulations to be prescribed by the Secretary of the Treasury and upon vouchers to be approved by him.

Sec. 3. That the location, plan and scope, designs for buildings, provisions for public health and comfort, and rules for the conduct of the business and affairs of the exposition shall be subject to the approval and control of the Secretary of Commerce and Labor, who shall exercise supervision over the exposition through such representatives of the department as he shall designate.

Mr. FITZGERALD. Mr. Speaker, this bill provides for extending aid to an exposition to be held to commemorate the fiftieth anniversary of the Emancipation Proclamation. Under the rules of the House the Committee on Industrial Arts and Expositions has jurisdiction of all matters concerning expositions, excepting revenue and appropriations. The Committee on Appropriations on consideration of this bill believed that before it would be justified in recommending an appropriation of \$250,000 to assist an exposition company which has only to raise \$50,000 some investigation should be made by the committee most familiar with, and which, under the rules of the House, has control of such matters, in order to determine how

much, if any, aid should be rendered and what safeguards, if any, should be placed in the bill.

Not desiring to encroach upon the jurisdiction of other committees, the Committee on Appropriations directed me to report back the bill and to make the motion, which is now pending, to refer it to the Committee on Industrial Arts and Expositions.

Mr. Speaker, at various times there seems to have been an impression that the Committee on Appropriations desires to usurp the functions of other committees. During my service at the head of that committee it has endeavored, as far as possible, to distribute the work of the House in order that no committee will be deprived of any of its functions because of the activities of the Committee on Appropriations. I respectfully submit that in this instance the Committee on Industrial Arts and Expositions should be given an opportunity to perform its duties in accordance with the rules of the House. The object of the bill I believe to be most commendable; yet, because of the necessity of taking such precautions as would ordinarily be taken in legislation, the committee asks the House to make this reference.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is recognized for five minutes. [Applause.]

Mr. HEFLIN. Mr. Speaker, this unselfish and generous conduct on the part of the Committee on Appropriations has touched me deeply.

I must apologize for an impression that I have had regarding that committee. I have mistaken the zeal and jealous care with which the members of that committee have guarded its jurisdictional bounds. I had thought that when that committee once laid its hands on anything in the way of a bill it would never give its consent to release its hold in behalf of another committee claiming jurisdiction, and I have been of the opinion that in no instance would the Committee on Appropriations of its own motion deliver over to another committee for consideration a bill once in the sacred precincts of its jurisdiction—so unanimously and magnanimously as it has in referring to my committee this "emancipation" bill. [Laughter.]

Mr. Speaker, I have done the committee an injustice, and I hasten to apologize. [Laughter.] I am glad to make this acknowledgment and I desire to express my appreciation for this unasked for, unselfish, and generous action on the part of the Committee on Appropriations. [Laughter.] Mr. Speaker, if I should live until my head is as white as a Norwegian rat's back I could never make my gratitude to these gentlemen fully understood. [Laughter and applause.] On the tablets of my memory I shall write their names in letters that can not be obliterated. [Laughter and applause.]

Mr. Speaker, if the House in its wisdom ratifies the action of the Committee on Appropriations in delivering this bill over to the Committee on Industrial Arts and Expositions, I shall cheerfully acquiesce in that decision. I am chairman of that committee and I am reminded of the fellow who went half shot, uninvited, and unannounced into a ballroom on the second floor where the dance was on in full swing. He whirled in the maze of the misty dance until two able-bodied men seized him and escorted him to the door and hurled him down the stairway, bumping and bruising his head against the sidewalk. He arose, pulled himself together, and gazed for a moment at the angry gentlemen at the top of the stairway and said, "Gentlemen, you can fool some people, but you can't fool me. I know why you throwed me down from up thar. You throwed me down from up thar because you didn't want me up thar." [Loud applause and laughter.]

I am reminded of another story, Mr. Speaker. A gentleman owned a piece of land of 120 acres—hilly, rocky, and rough. He said he could work one side as well as the other, that it hung up like a slate. [Laughter.] He met a gentleman in the road with a yoke of steers, and he said, "I will give you 60 acres of land for your steers." He said, "Good." They went to a justice of the peace to make the deed to the land, and the man who owned the land had forgotten the name of the fellow who owned the steers, and the justice did not know it, so when they reached the place in the deed where it says, "I bargain, sell, and convey," he said to the fellow, "Write your name here." He said, "I can not write." Then the land man whispered to the justice and stood back behind the door and laughed. He went his way rejoicing, and when he reached his home he was still laughing, and his sister said, "What is the matter?" He said, "I gave a fellow 60 acres of land for these steers, and when I went to make the deed I found that he could not read and write, and I put the whole 120 acres off on him." [Applause and laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Speaker, I move that the gentleman be allowed five minutes additional time.

The SPEAKER. The gentleman from Maryland [Mr. LINTH-CUM] moves that the gentleman from Alabama [Mr. HEFLIN] have five minutes more. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman whether this is more important than transacting business?

The SPEAKER. Is there objection?

Mr. HEFLIN. I want only two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Speaker, this too generous conduct on the part of this Appropriations Committee reminds me of another thing. I have read the beautiful story of two brothers, one of whom was a man with a family—a wife and several children—and the other was an old bachelor. These brothers had wheat fields on opposite sides of the road, and one moonlight night the old bachelor had reasoned in his heart that the brother with the family needed more wheat than he did, and he was down there moving shocks of wheat out of his field across the road into his brother's field. At the same time a little farther up the road the brother who had the family was moving shocks of wheat out of his field across the road into his brother's field, reasoning after this fashion that his brother was an old bachelor and had no family to comfort and make him happy, and he needed more of this world's goods for that reason. They happened to meet, and each fell upon the neck of the other expressing love and gratitude for the generosity displayed. [Laughter.]

I have not discovered any member of my committee bearing gifts and meeting gentlemen of the Appropriations Committee as they came bearing aloft this kindly gift to the Committee on Industrial Arts and Expositions. [Laughter.] Some of the members of this committee may feel like falling on the neck of the chairman of the Committee on Appropriations—not, however, for the same purpose that the brothers fell on each other's neck. [Applause and laughter.]

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. HEFLIN. Mr. Speaker, having submitted these serious observations for the consideration of the House, I stand ready to accept its judgment and do its will regarding this re-referred bill. [Loud applause and laughter.]

The SPEAKER. The question is on agreeing to the motion to change the reference of the Senate bill from the Committee on Appropriations to the Committee on Industrial Arts and Expositions.

The motion was agreed to.

THE LATE SENATOR WILLIAM P. FRYE.

Mr. GUERNSEY. Mr. Speaker, I wish to present an order for memorial services.

The SPEAKER. The Clerk will report the resolution offered by the gentleman from Maine [Mr. GUERNSEY].

The Clerk read as follows:

Ordered, That Sunday, the 9th day of February, 1913, at 12 o'clock, be set apart for addresses on the life, character, and public services of Hon. WILLIAM P. FRYE, late a Senator from the State of Maine.

The SPEAKER. The Chair will state to the gentleman from Maine that the words "at 12 o'clock" will have to be stricken out there. Memorial services for another have already been ordered for that hour. Without objection, the words "at 12 o'clock" will be stricken out.

There was no objection.

The SPEAKER. The question is on agreeing to the order as amended.

The order was agreed to.

FORTIFICATION APPROPRIATION BILL.

Mr. SHERLEY, by direction of the Committee on Appropriations, reported the bill (H. R. 28186) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 1345), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order on the bill.

AMERICAN HOSPITAL OF PARIS.

Mr. CLAYTON. Mr. Speaker, I ask that the bill (S. 6380) to incorporate the American Hospital of Paris be taken from the Speaker's table, and that the House agree to the conference requested by the Senate.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks that Senate bill 6380 be taken from the Speaker's table, and that the House agree to the conference requested by the Senate. The Clerk will read the title of the bill.

The Clerk read as follows:

An act (S. 6380) to incorporate the American Hospital of Paris.

Mr. CLAYTON. Mr. Speaker, I ask that the House agree to the conference requested by the Senate.

Mr. MANN. Mr. Speaker, may I ask the gentleman what is the Senate amendment?

Mr. CLAYTON. The Senate amendment lengthens the time. The time limit for the existence of this charter was 50 years in the bill as it passed the House. The Senate has lengthened it to 75 years.

The SPEAKER. The gentleman from Alabama moves that the House agree to the conference asked by the Senate on that bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Chair announces the following conferences, whose names the Clerk will report.

The Clerk read as follows:

Mr. CLAYTON, Mr. DAVIS of West Virginia, Mr. STERLING.

IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I desire to call up the conference report on Senate bill 3175, an act to regulate the immigration of aliens to and the residence of aliens in the United States, and ask for the adoption of the report of the conference committee.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. As a member of the conference committee making the report who disagrees with the majority of the conferees, I desire to know whether I have the right to go on record as dissenting and protesting against this report? What I mean is as to going on record on the report that has been submitted.

Mr. GARDNER of Massachusetts rose.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. GARDNER of Massachusetts. Mr. Speaker, I have no objection, but if I recollect the rules correctly a minority member of the managers on the part of the House has no right to make a supplementary report. That is my recollection.

Mr. MOORE of Pennsylvania. Mr. Speaker, may I ask, as a parliamentary inquiry, how much time will be permitted for the discussion of this report?

The SPEAKER. That is not exactly a parliamentary inquiry. The House determines that. The Chair is of the impression that a minority Member, under the rules or precedents, can not file a minority report, although the Chair recollects that he himself, as a member of a conference committee, threatened to do it once on a very serious question.

Mr. MANN. I think I have never known minority views to be filed on a conference report during my service.

The SPEAKER. The Chair will state that he investigated that matter some years ago, because he was on a conference and there was a very bitterly contested proposition, and the present occupant of the chair then threatened to file a minority report. But the present occupant of the chair finally got what he wanted into the conference report and did not have to do that. He investigated the authorities as best he could at that time and found out that he could not make a minority report under the rules and precedents.

Mr. SABATH. I am in an unlike position, Mr. Speaker, in that I have not succeeded in getting all that I wanted in the conference report, though I have got everything else that I did not want.

The SPEAKER. The last part of the Chair's statement applies to that.

Mr. GARDNER of Massachusetts. Mr. Speaker, there is a direct ruling on the question—

The SPEAKER. The gentleman need not read it. The Chair rules that way. Of course, if the gentleman from Illinois [Mr. SABATH] does not sign the conference report, that shows prima facie that he is against it.

Mr. SABATH. But I submit, Mr. Speaker, that that does not show that I am opposed to the report.

The SPEAKER. The remarks of the gentleman here this morning show that very conclusively. [Laughter.]

Mr. MOORE of Pennsylvania. May I ask the gentleman from Alabama [Mr. BURNETT], the chairman of the committee, whether he has arranged for the control of the time on the part of those who are opposed to the conference report?

Mr. BURNETT. I think in view of the pressure of other business we ought not to consume more than the hour which, I believe, is usually allowed in these cases, under the rule.

Mr. MOORE of Pennsylvania. It happens that on this side of the House I am the only member of the committee who is opposed to the report in some particulars.

Mr. BURNETT. The gentleman means that he is the only member of the Committee on Immigration and Naturalization on that side who is opposed?

Mr. MOORE of Pennsylvania. Yes. A number of gentlemen desire to speak in opposition to the report, which contains 24 pages of new matter that has never been considered by the House. As the bill left the House there was about a page and a half of printed matter upon which the House had acted. Now the conference committee returns with a recommendation involving 24 pages in fine italic print of new matter, which has been considered only by the conferees. It seems to me the gentleman ought to permit the discussion of this new matter, because it is of vital importance to a vast number of people in this country.

Mr. SABATH. Let me correct the gentleman. There are 59 pages of new matter that has not been considered by the House.

Mr. MOORE of Pennsylvania. Can not the gentleman agree to give a little more time to those who would like to speak on some phases of this report that have not been considered in the House at all?

The SPEAKER. The House itself determines the question of the length of debate on a conference report. Under the rule the gentleman from Alabama [Mr. BURNETT] will have an hour if he wants to use it, and he can move the previous question at any time within that hour. If he fails to do that, then any other gentleman who can get recognition from the Chair has an hour, and so on, ad infinitum. If the gentleman from Alabama [Mr. BURNETT] makes the motion for the previous question, and other gentlemen have not had as much time as they want, they have the privilege of voting his motion for the previous question down if there are enough of them to do it.

Mr. HAMILL. Mr. Speaker, in view of the statement made by the gentleman from Pennsylvania and indorsed by his colleague from Illinois [Mr. SABATH] regarding the large amount of new matter injected into the report that was not in the bill as it passed the House, I desire now to move—and I have the motion in writing—that consideration of this conference report be postponed for one week, until next Friday, January 24. I believe that motion is in order.

Mr. LANGLEY. The gentleman will remember that next Friday is pension day.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] has the floor.

Mr. GOLDFOGLE. Mr. Speaker—

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

Mr. BURNETT. I have not yielded for any motion.

Mr. MANN. I submit, Mr. Speaker, that no one has the floor yet. The gentleman from Alabama [Mr. BURNETT] has called up the conference report, and unless some one makes a motion—that can not be made yet—it is the duty of the Chair to have the conference report laid before the House and read.

The SPEAKER. Of course that is the proper course of procedure.

Mr. BURNETT. Mr. Speaker, I certainly had the floor, and these remarks are coming out of my time.

Mr. MANN. The gentleman can not retain the floor. All he does is to call up the conference report. He has the right to call it up, unless the question of consideration is raised, and then I think the Chair should direct that the conference report be read to the House.

The SPEAKER. That is exactly what the Chair was going to do.

Mr. CANNON. And the proper time to raise the question of consideration or to move to postpone to a day certain is before the beginning of the reading of the conference report.

Mr. MANN. After it has been reported and read, I take it.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. A moment ago, in answer to my question, the Speaker stated that the matter of the time for discussion was one to be determined by the House. It was then upon my mind to make a motion that a definite time be fixed for debate, but the gentleman from New Jersey [Mr. HAMILL] made a motion that there be a postponement of the consideration of the conference report until a day certain. I ask the Speaker now whether the question is for the House or whether the gentleman from Alabama [Mr. BURNETT] has the floor? If the gentleman from Alabama has the floor, that precludes it.

The SPEAKER. No Member has the floor until the report is read, and the Clerk will read it.

Mr. CANNON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CANNON. After the report is read it will be proper, if any Member desires to do so, to raise the question of consideration?

The SPEAKER. Undoubtedly.

Mr. CANNON. And not until that time to move to postpone to a day certain?

Mr. MANN. If he got the floor to make the motion.

The SPEAKER. After the report is read, then the question of consideration can be raised and also any of the motions that are permissible by the rule.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. Is it not also true, if, after the question of consideration is voted on, the gentleman moves to postpone to a day certain, the gentleman from Alabama can take the question away from him by moving the previous question at once as a motion of higher precedence than a motion to postpone?

Mr. MANN. I think that question ought not to be answered until it is reached.

The SPEAKER. The motion for the previous question is next to the highest motion to be made in the House.

Mr. GARDNER of Massachusetts. In that case does the Chair think there will be 40 minutes' debate after the previous question is moved and carried?

The SPEAKER. On any question where there has been no debate if the previous question is ordered there is 40 minutes debate.

Mr. GARDNER of Massachusetts. Then there would be no hardship done if the gentleman moved a postponement—

Mr. SHERLEY. Oh, Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER. The Chair thinks that is not a parliamentary inquiry, and the Chair will not pass upon it.

Mr. CANNON. Mr. Speaker, my reason for asking the question was to know what rights the Members of the House had. I do not want to see those rights sacrificed. There is a general complaint that this long bill is reported here for the first time, a report that I have not read myself, and I would like to know the proper time, first, for consideration, and, second, when a motion would be in order to postpone to a day certain, not to antagonize the consideration of the conference report, but to give the House an opportunity to look into it.

The SPEAKER. The Chair will state his view upon the matter. The first thing to do is to read the report so that Members may be informed as to what is attempted to be done. Anyone can raise the question of consideration. If consideration is determined on, then any of the motions that are permissible to be made, for instance, to postpone to a day certain, and so forth, will be in order, and the gentleman from Alabama will have a right to move the previous question, and there will be 40 minutes' debate, provided nobody debates it beforehand.

Mr. HAMILL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HAMILL. If the motion to postpone to a day certain is made, will that entitle the maker of the motion to 40 minutes' time in which to debate the motion?

The SPEAKER. No; the gentleman from Alabama [Mr. BURNETT], for instance, moves the previous question, and that gives 40 minutes' debate, provided nobody debates it before the motion is made. Naturally the gentleman from Illinois [Mr. SABATH] would be entitled to 20 minutes of that time, as he seems to be the chief one in opposition.

Mr. HAMILL. He would move the previous question on the motion to postpone to a day certain and not shutting off debate on the conference report.

The SPEAKER. It would be 40 minutes' debate on the conference report.

Mr. BARTLETT. Mr. Speaker, section 4 of Rule XVI says that a motion to postpone to a day certain is to be decided without debate.

The SPEAKER. The Chair thinks the gentleman from Georgia is mistaken about the interpretation of that rule.

The rule is:

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain.

And so forth. The motions to postpone to a day certain, to refer, or to amend are debatable.

Mr. GARDNER of Massachusetts. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. If the gentleman from New Jersey makes a motion to postpone and subsequently, at once, the gentleman from Alabama moves the previous question, does the gentleman's motion take precedence, although it is made subsequent to the motion to postpone?

The SPEAKER. The Chair thinks so.

Mr. SHERLEY. Does the Chair mean by that that the motion for the previous question excludes the motion to postpone to a day certain?

The SPEAKER. No; that is the very question he is going to move the previous question on.

Mr. SHERLEY. The gentleman's motion seems to exclude the motion to postpone.

The SPEAKER. It is the motion to postpone that the gentleman proposes to order the previous question on.

Mr. MANN. Mr. Speaker, under the rule that says "which several motions shall have precedence in the foregoing order," would it not be in order, after a motion to postpone is made, to move the previous question on the conference report? That was the query that I understand was submitted.

Mr. GARDNER of Massachusetts. That is my query. Otherwise, there is no point in giving precedence under the rule.

Mr. MANN. I think the rule is quite plain, but I do not see why the Chair should be called upon to decide all of these things in advance on hypothetical propositions which may never arise.

The SPEAKER. The Chair agrees with the gentleman about that.

Mr. GARDNER of Massachusetts. Mr. Speaker, it is a very important question. I have always believed that that rule was unnecessary if the only question was who was active enough and vociferous enough to get on his feet first. The very purpose of the rule is that in case some one makes a motion of inferior preference, to wit, the motion to postpone the conference report, then somebody else may move a motion of superior preference, to wit, the previous question on the conference report.

Mr. MANN. It is too plain for argument.

The SPEAKER. The Chair will rule upon that, although it is out of time. The Chair does not believe that to move the previous question on the motion to postpone would automatically or in any other way order the previous question on the conference report itself. It seems to the Chair that that proposition is not tenable.

Mr. MANN. But supposing instead of moving the previous question on the motion to postpone the gentleman moves the previous question on the adoption of the conference report. It seems to me that under the rule he clearly has that right.

The SPEAKER. Then what becomes of the motion to postpone?

Mr. MANN. If the previous question is ordered on the conference report, that ends it.

Mr. GARDNER of Massachusetts. It goes out. The motion of superior preference takes its place.

Mr. MANN. If the previous question on the conference report is not ordered, then the motion to postpone comes before the House.

The SPEAKER. Provided the question of consideration is determined so that the conference report shall be considered, then the motion to postpone to a day certain is in order. A motion to order the previous question on that motion can then be made. That does not, in the opinion of the Chair, carry with it the conference report. If the House determines to consider the conference report, the Chair will recognize the gentleman from New Jersey [Mr. HAMILL] to make his motion to postpone. Then he will recognize the gentleman from Alabama [Mr. BURNETT] to move the previous question.

Mr. HAMILL. On what?

The SPEAKER. On the motion to postpone.

Mr. MANN. And, Mr. Speaker, if the Chair is making a ruling upon it, allow me to call attention to the rule. If consideration is ordered, then the conference report is before the House on a presumed motion to adopt the report, which is put without being made. Under the rules a motion to postpone would be in order, or a motion to amend is in order, and a motion to refer is in order. All three of them might be made if the previous question is not ordered on the conference report, but they are to be put in the order in which they have precedence.

The SPEAKER. That is true.

Mr. MANN. If you adopt a motion to postpone to a day certain, although you may have pending a motion to refer, you would dispose of the motion to refer by the adoption of the motion to postpone to a day certain. In the same way a motion for the previous question, having precedence over a motion to postpone, can be offered, and if the previous question be

adopted—that is, Shall the main question be now put?—if agreed to, that disposes itself of the motion to postpone.

The SPEAKER. The Chair will ask the gentleman a question for information. Some gentleman makes a motion to postpone to a day certain. The previous question is moved on that motion. Does the gentleman from Illinois think it would be fair to the House to construe that motion as being a motion on the previous question on the bill?

Mr. MANN. Certainly not; but suppose, instead of moving the previous question on the motion to postpone, the gentleman moves the previous question on the motion to adopt the conference report, which has priority under the rules over the motion to postpone; having priority, it is in order.

The SPEAKER. The Chair will ask the gentleman another question: Was this privilege of making the motion to postpone put in the rule for amusement, or was it put in there to give somebody a right in the House?

Mr. MANN. There is a right to move to postpone as long as the previous question is not demanded or is not operating.

The SPEAKER. Has the gentleman any authority on that?

Mr. MANN. The rule itself says that, Mr. Speaker. I suggest, instead of the Speaker endeavoring to determine the matter at this time, that the report be read in the meantime, during which time the Speaker will have an opportunity to look into the question.

Mr. MOORE of Pennsylvania. Mr. Speaker, I call for the reading of the conference report.

Mr. LENROOT. Mr. Speaker, I would like to call attention to a ruling upon the point suggested by the Speaker.

The SPEAKER. The Chair suggests that that go over until we get this report read.

Mr. MOORE of Pennsylvania. Mr. Speaker, I call for a reading of the report.

The SPEAKER. The Clerk will read the report.

The Clerk read the report as follows:

CONFERENCE REPORT (NO. 1340).

The committee of conference on the disagreeing votes of the two Houses to the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

Strike out all of said amendment and insert in lieu thereof the following:

"An act to regulate the immigration of aliens to and the residence of aliens in the United States.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the word 'alien' wherever used in this act shall include any person not a native born or naturalized citizen of the United States, but this definition shall not be held to include Indians not taxed or citizens of the islands under the jurisdiction of the United States. That the term 'United States' as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term 'seaman' as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

"That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

"Sec. 2. That there shall be levied, collected, and paid a tax of \$5 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States. The said tax shall be paid to the collector of customs of the port of customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such

vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor on account of otherwise admissible residents of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 23 of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application be refunded to the alien: *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply.

"SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had one or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have committed a felony or other crime or misdemeanor involving moral turpitude; citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port, the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years

of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe; persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

"That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

"All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips, of uniform size, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this act relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Commerce and Labor to be reached after a full hearing and an investigation into the facts of the case: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular

possessions or from the Canal Zone: *Provided further*, That nothing in this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of a concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such alien mechanics, artisans, agents, or other employees, natives of his country, as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign Governments nor to their suites, families, or guests: *Provided further*, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

"SEC. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than 10 years and by a fine of not more than \$5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

"SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3 of this act, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of \$1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid.

"SEC. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or the criminal penalty imposed by said section shall be applicable to such a case: *Provided*, That States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States may advertise, and by written or oral communication with prospective alien settlers make known, the inducements they offer for immigration thereof, respectively.

"SEC. 7. That it shall be unlawful for any person, association, society, company, partnership, corporation, or others engaged in the business of transporting aliens to the United States, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, or oral representation, to

solicit, invite, or encourage any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prosecution prescribed by section 5 of this act; or if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a violation by an owner, master, officer, or agent of a vessel, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is located or in which any vessel of the line may be found the sum of \$400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Commerce and Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions: *Provided further*, That this section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, confined strictly to stating the sailings of their vessels and terms and facilities of transportation therein.

"SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$1,000, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien afflicted with idiocy, insanity, imbecility, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200 for each and every violation of the provisions of this section. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$25 for each and every violation of this provision. It shall also be unlawful for any such person to bring to any port of the United States any alien who is unable to read or who can not become eligible, under existing law, to become a citizen of the United States by naturalization, as provided in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$100 for each and every violation of this provision. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine

be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"Sec. 10. That it shall be the mandatory and unqualified duty of every person, including owners, officers, and agents of vessels or transportation lines, other than those lines which may enter into a contract as provided in section 23 of this act, bringing an alien to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than \$100 nor more than \$1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Commerce and Labor it is impracticable or inconvenient to prosecute the owner, master, officer, or agent of any such vessel, a pecuniary penalty of \$1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

"Sec. 11. That whenever he may deem such action necessary the Secretary of Commerce and Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the 'passenger act' of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Commerce and Labor so directs, a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States, and such provisions of the 'passenger act' of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Commerce and Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of \$1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspections and visits of any such surgeon, as provided in this section, and no vessel shall be granted clearance

papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"Sec. 12. That upon the arrival of any alien by water at any point within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer, owners, or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation, personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possessions to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; intended future permanent residence; and time and port of last arrival in the United States, or insular possessions thereof; and such master or commanding officer shall also furnish information in relation to the sex, age, class of travel, and port of debarkation of the United States citizens departing who do not intend to reside permanently in a foreign country, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall

be punishable as provided in section 14 of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and, if a United States citizen, whether native born or naturalized.

"SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than 30 names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which has name, etc., is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer.

"SEC. 14. That it shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessel required by this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a refusal or failure, or that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the port of arrival or departure the sum of \$10 for each alien concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this act. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine.

"SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where re-

moval is made to premises owned or controlled by the United States, said transportation lines, masters, agents, owners, or consignees, and each of them shall, so long as detention there lasts, be relieved of responsibility for the safekeeping of such aliens. Whenever a temporary removal of aliens is made the transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 18 thereof. Any refusal or failure to comply with the provisions hereof to be punished in the manner specified in section 18 of this act.

"SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defect shall be detailed for duty or employed at all large ports of entry, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defects is suspected, and the services of interpreters shall be provided for such examination. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States." Any commissioner of immigration or inspector in charge shall also have power to require the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States, and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpoena issued by any commissioner of immigration or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents is demanded, and testify; and any failure to obey such order of the court shall be punished by the court as a contempt thereof. That any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not less than six months nor more than two years, or by a fine of not less than two hun-

ired nor more than two thousand dollars; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall on conviction thereof be punished by imprisonment for not less than 1 nor more than 10 years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Secretary of Commerce and Labor is permitted by this act, the alien shall be so informed and shall have the right to be represented by counsel or other advisor on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

"Sec. 17. That boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Commerce and Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Commerce and Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry if adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Commerce and Labor: *Provided*, That the decision of a board of special inquiry, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of this act.

"Sec. 18. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien; or to take any security from him for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless

prior to reembarkation the Secretary of Commerce and Labor has consented that such alien shall reapply for admission, as required by section 3 hereof; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the customs district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of \$300 for each and every violation of any provision of this section; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any alien found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of \$1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than \$500, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

"Sec. 19. That any alien, at any time within three years after entry, who shall enter the United States in violation of law; any alien who within three years after entry becomes a public charge from causes existing prior to the landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within three years after the entry of the alien to the United States; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and im-

prisoned for a violation of any of the provisions of section 4 hereof; any alien, at any time within three years after entry, who shall enter the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time, not designated by immigration officials, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported: *Provided*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Commerce and Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States. In every case where any person is ordered deported from the United States under the provisions of this act or of any law or treaty now existing, the decisions of the Secretary of Commerce and Labor shall be final.

"Sec. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Commerce and Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If effected at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens, respectively, came; or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If such deportation is effected later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. Pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than \$500 with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

"Sec. 21. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof, holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. The

admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, District, county, town, or municipality in which such alien becomes a public charge.

"Sec. 22. That wherever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted.

"Sec. 23. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Commerce and Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act for service in foreign countries. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor: *Provided*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section 30 of this act, relating to the distribution of aliens, the Secretary of Commerce and Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors.

"Sec. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advis-

able and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act \$50,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed.

"SEC. 25. That the district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act. That it shall be the duty of the United States district attorney of the proper district to prosecute every such writ when brought by the United States under this act. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

"SEC. 26. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe, and all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States. No intoxicating liquors shall be sold at any such immigrant station.

"SEC. 27. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

"SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than five years, or both.

"SEC. 29. That the President of the United States is authorized in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign Governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

"SEC. 30. That there shall be maintained a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical and other assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

"SEC. 31. That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding \$5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 32. That no alien excluded from admission into the United States by any law or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Commerce and Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Commerce and Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding \$1,000, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reshup on board any other vessel bound to any foreign port or place he shall be allowed to land for the purpose of so reshipping, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given to the principal immigration officer in charge at the port of arrival.

"SEC. 34. That any alien seaman who shall desert his vessel in a port of the United States or who shall land therein contrary to the provisions of this act shall be deemed to be unlawfully in the United States and shall, at any time within three years thereafter, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

"SEC. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a

foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Commerce and Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$25; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Commerce and Labor, be mitigated or remitted.

"SEC. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival, or lists containing so much of such information as the Secretary of Commerce and Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has deserted the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival, but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed or been duly admitted; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Commerce and Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and, in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

"SEC. 37. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association.

"SEC. 38. That this act, except as otherwise provided in section 3, shall take effect and be enforced from and after July 1, 1913. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section 6, chapter 453, third session, Fifty-eighth Con-

gress, approved February 6, 1905, or the act approved August 2, 1882, entitled 'An act to regulate the carriage of passengers by sea,' and amendments thereto: *Provided*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the last proviso of section 19 hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect."

JOHN L. BURNETT,
AUGUSTUS P. GARDNER,
Managers on the part of the House.
H. C. LODGE,
WM. P. DILLINGHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill (S. 3175) regulating the immigration of aliens, submit the following detailed statement in explanation of the effect agreed upon and recommended in the conference report:

The Senate having disagreed to the entire House amendment, which in its turn had stricken out the entire Senate bill, the whole subject of immigration came before the conference committee.

The bill as it passed the House contained no features except the illiteracy test. The Senate bill contemplated many changes in the law and an illiteracy test substantially similar to that proposed in the House, the principal difference being that the Senate included "writing" in its test and differed somewhat from the House as to the admissibility of illiterate relatives of qualified immigrants. On all substantial matters of difference between the Senate and the House touching the illiteracy test the Senate receded.

The principal changes in existing law proposed by the Senate to which the managers on the part of the House agreed are as follows:

First. An increase of the head tax from \$4 to \$5 per alien.

Second. The exclusion of aliens not eligible for naturalization.

Third. Making it permissible for the Secretary of Commerce and Labor to decide beforehand as to the necessity of importing such skilled contract labor as is now admissible under the existing contract-labor law.

Fourth. Providing more severe penalties for transportation lines which violate the law against advertising for immigrants and which bring to the United States aliens who are ineligible to enter.

Fifth. Providing for matrons, inspectors, and surgeons on immigrant ships at the discretion of the Secretary of Commerce and Labor.

Sixth. Providing machinery for compelling the attendance and testimony of witnesses before the immigration authorities when required.

Seventh. Providing for the deportation of aliens who become criminals within three years subsequent to entry.

Eighth. Providing for interior immigrant stations.

Ninth. Providing against the illegal entry of seamen and stowaways.

Tenth. Permitting aliens to be represented by counsel in the case of appeals from the decision of boards of special inquiry.

Eleventh. Providing experts in insanity at large ports of entry.

Twelfth. A definition of the meaning of the word "alien" where it appears in the bill.

A provision was added in conference requiring the production of penal certificates in certain cases for the purpose of facilitating the execution of that part of the Senate bill and of the present law which relates to the exclusion of criminals.

JOHN L. BURNETT,
AUGUSTUS P. GARDNER,
Managers on the part of the House.

During the reading,

Mr. MANN. Mr. Speaker, as this is the only time we have had an opportunity to have the bill read in any way, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present, and evidently there is not.

Mr. BURNETT. Mr. Speaker, I move a call of the House. The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Aiken, S. C.	Focht	Lindsay	Scully
Ainey	Fordney	Littleton	Sells
Akin, N. Y.	Fornes	Longworth	Shackelford
Ames	George	McCall	Sisson
Anthony	Gillett	McCoy	Smith, J. M. C.
Ayres	Glass	McGuire, Okla.	Smith, Cal.
Bates	Goeke	McKellar	Smith, N. Y.
Bathrick	Gould	Madden	Sparkman
Berger	Greene, Vt.	Maher	Speer
Brown	Gregg, Pa.	Martin, Colo.	Stack
Byrnes, S. C.	Harris	Matthews	Stephens, Nebr.
Calder	Harrison, N. Y.	Merritt	Stevens, Minn.
Cantrill	Hart	Miller	Sulloway
Carlin	Haugen	Moon, Pa.	Talbot, Md.
Carter	Hill	Moore, Tex.	Talcott, N. Y.
Cary	Howard	Nelson	Taylor, Ala.
Conry	Hughes, W. Va.	Nye	Taylor, Colo.
Cox	Hull	Oldfield	Townsend
Curry, N. Mex.	Humphreys, Miss.	Olmsted	Turnbull
Danforth	James	Palmer	Tuttle
Davis, Minn.	Johnson, Ky.	Parran	Underwood
De Forest	Kindred	Patten, N. Y.	Vare
Dixon, Ind.	Kitchin	Payne	Vreeland
Doremus	Lafane	Peters	Warburton
Driscoll, D. A.	Lafferty	Plumley	Weeks
Dwight	Langham	Post	White
Dyer	Lawrence	Pujo	Wilson, N. Y.
Estopinal	Lee, Ga.	Randell, Tex.	Wood, N. J.
Fairchild	Legare	Redfield	Woods, Iowa
Ferris	Lever	Reynolds	
Fields	Levy	Richardson	
Fitzgerald	Lewis	Riordan	

The SPEAKER. Two hundred and fifty-eight Members—a quorum—have responded to their names.

Mr. BARTLETT. Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] moves that further proceedings under the call be dispensed with.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors, and the Clerk will proceed with the reading.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that the further reading of the report be dispensed with and that the statement be read in lieu of the remainder.

Mr. MOORE of Pennsylvania. Mr. Speaker, I object—

Mr. SABATH. Mr. Speaker, I object.

The Clerk resumed and completed the reading of the conference report.

Mr. SABATH. Mr. Speaker—

Mr. HAMILL. Mr. Speaker—

Mr. SABATH. Mr. Speaker, I reserve all points of order.

Mr. MANN. Mr. Speaker, I make the point of order that the report can not be considered in the House until the original papers are before the House, and that the original papers are not in the possession of the House. I understand the original Senate bill is in the possession of the Clerk. The House adopted an amendment striking out all after the enacting clause, so it is claimed.

The SPEAKER. The Speaker wishes that the gentleman would go over that again. The House will be in order.

Mr. MANN. The House, I believe, agreed to an amendment striking out all after the enacting clause. Under the rules and the laws and the practice that amendment is sent by resolution from the House to the Senate. I have the form of the resolution in my hand, and the form of the resolution is in the possession of the Clerk. It has to be certified to or attested by the Clerk. That has not been done, and the papers that are before the Speaker, I have no doubt the original papers, properly attested by the Clerk, are in the possession of the Senate. I make the point of order that, in the absence of the original papers, the House can not consider the conference report.

The SPEAKER. How did the Senate ever get possession of it, then?

Mr. MANN. I suppose the Senate has possession of the original papers. I do not know what the Senate has done about it.

The SPEAKER. The original Senate bill is here, properly attested by "Charles G. Bennett, Secretary," and "H. M. Rose, Assistant Secretary."

Mr. MANN. The Senate bill is properly attested, as I understand it.

The SPEAKER. The House part, that is attached to the original Senate bill, does not seem to have been attested by the House Clerk. If we can get hold of him we can have him sign it nunc pro tunc.

Mr. MANN. By unanimous consent I suppose he could do that.

The SPEAKER. Why would it take unanimous consent? The Speaker has never investigated it, but he thinks he would have the same power in that kind of a case that a nisi prius judge has. The Chair is not certain about that, however.

Mr. MANN. I take it that we are entitled to the original papers.

The SPEAKER. Unquestionably.

Mr. MANN. We must proceed on what is officially before the House. The House did have this bill up for consideration and did agree to an amendment. We have not official information at this time as to what that amendment consists of, in the absence of the original papers, and if we adopt the practice of considering a bill without the original papers and without the attestation of the Clerk, no one knows what might be presented as the original papers.

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the gentleman's point of order comes too late. The House has proceeded to consider such papers as it had before it.

The SPEAKER. The Chair thinks that that point of order is not well taken. This document, purporting to be the conference report, has been read. That is all the proceeding that has been taken on this matter except the parliamentary skirmish that took place earlier in the day. The Chair does not think that the gentleman's point of order comes too late.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. I desire to know whether it is now in order to raise the question of consideration.

The SPEAKER. It is not in order to raise the question of consideration until this other matter is determined. The Chair does not have any doubt about the right of the Speaker to order the Clerk to sign that document.

Mr. MANN. Mr. Speaker, the question is whether the original papers are the ones that were presented to the Senate. Is the Speaker prepared to say that the resolution which was sent to the Senate, not attested, is not merely a copy of the papers that we want—is not merely a copy of the papers we are entitled to?

The SPEAKER. Here is the situation: We have a certified copy of the Senate bill. Then we have the conference report sent over by the Senate, with this House amendment, striking out all after the enacting clause and enacting a new law, so far as the House could make a law, and the Clerk failed to sign it. But the fact that the Senate bill has come back here attached to the House amendment seems to the Chair to be reasonable proof that the document that purports to be the report from the House that is included in this bundle of papers is the same document that the Clerk sent over to the Senate.

Mr. MANN. Well, that might be a guess. How can the Chair know that? It is presumed that the officers of the House properly perform their duties, in which case they sent to the Senate an attested copy of the House amendment.

The SPEAKER. Now comes the Clerk of the House and attests it. [Laughter.]

Mr. MANN. Without examining it?

The SPEAKER. The Chair will have him examine it.

Mr. SABATH. Mr. Speaker, it is rather late in the day for him to sign it.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is a lawyer—

Mr. MANN. Used to be—

The SPEAKER. And has seen a hundred times, if not more, orders entered nunc pro tunc in a nisi prius court without objection from anybody. If there was any doubt about this being the correct paper, of course we would not tolerate it for a second.

Mr. MANN. Mr. Speaker, I do not know but that I would rule the same way the Speaker has ruled if I were in the chair.

The SPEAKER. That is what the Chair thinks himself. [Laughter.]

Mr. MANN. I make a further point of order. The matter is before the House, and perhaps some other Members desire to make a point of order. But the conferees have included matters in the conference report which were not in disagreement.

The SPEAKER. The gentleman will suspend a moment. The gentleman from Pennsylvania [Mr. Moore] a while ago asked the Chair if the time had come to raise the question of consideration.

Mr. MOORE of Pennsylvania. I want to raise that question when the time comes.

Mr. MANN. I do not think that question can be raised until there has been a disposition of the point of order.

Mr. MOORE of Pennsylvania. I think I addressed the Chair in the interim between the determination of one point of order and the other.

The SPEAKER. The Chair thinks that if the House is not going to consider the bill there is no use arguing points of order about it.

Mr. MANN. If the question is raised, I think it is probably beyond a point of order, but I do not care.

The SPEAKER. The Chair will hear the gentleman on his point of order as soon as this question is determined. The question is, Will the House now consider this conference report on the immigration bill?

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Does the consideration of this motion preclude the making of other motions, such as to lay on the table, or should they be made now?

The SPEAKER. Oh, no; they can be made afterwards.

Mr. HAMILL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAMILL. For the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMILL. Is it in order now, before the determination of this motion, to present a motion for the postponement of the consideration of this conference report?

The SPEAKER. That will come afterwards. The question is, Will the House consider this conference report at this time?

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. SABATH and Mr. MOORE of Pennsylvania demanded a division.

The House divided; and there were—ayes 66, noes 49.

Mr. SABATH and Mr. MOORE of Pennsylvania demanded the yeas and nays.

Pending the division on the ordering of the yeas and nays,

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Pennsylvania raises the point of no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the consideration of this bill will, when their names are called, answer aye, those opposed no, and the Clerk will call the roll.

The question was taken; and there were—yeas 179, nays 73, answered "present" 6, not voting 125, as follows:

YEAS—179.

Adair	Doughton	Higgins	Porter
Adamson	Draper	Hinds	Pou
Aiken, S. C.	Edwards	Holland	Powers
Alexander	Evans	Houston	Pray
Allen	Faison	Hughes, Ga.	Prince
Anderson	Farr	Hughes, W. Va.	Raker
Anthony	Ferris	Hull	Rauch
Austin	Finley	Humphrey, Wash.	Redfield
Ayres	Flood, Va.	Humphreys, Miss.	Rees
Barnhart	Floyd, Ark.	Jackson	Richardson
Bartlett	Focht	Jacoway	Roddenberry
Beall, Tex.	Foss	Jones	Rouse
Bell, Ga.	Foster	Knowland	Rubey
Blackmon	Fowler	Kopp	Russell
Borland	Francis	La Follette	Sharp
Brantley	French	Langley	Sheppard
Burke, S. Dak.	Gardner, Mass.	Lawrence	Simmons
Burnett	Garner	Lenroot	Sims
Butler	Garrett	Lever	Slayden
Byrnes, S. C.	Glass	Lindbergh	Small
Byrns, Tenn.	Godwin, N. C.	Linthicum	Smith, Saml. W.
Callaway	Goodwin, Ark.	Littlepage	Smith, Tex.
Campbell	Gray	Lloyd	Stanley
Candler	Greene, Vt.	McGuire, Okla.	Stedman
Cantrill	Gregg, Pa.	McKenzie	Stephens, Cal.
Carlin	Gregg, Tex.	McKinley	Stephens, Miss.
Clark, Fla.	Griest	McKinney	Stephens, Tex.
Claypool	Gudger	McLaughlin	Sterling
Clayton	Guernsey	Macon	Sweet
Cline	Hamilton, Mich.	Maguire, Nebr.	Switzer
Collier	Hamilton, W. Va.	Mays	Taggart
Copley	Hamlin	Mondell	Thomas
Covington	Hardwick	Moon, Tenn.	Towner
Cox	Hardy	Morgan, Okla.	Tribble
Cullop	Hartman	Morrison	Underhill
Currier	Hay	Morse, Wis.	Warburton
Dalzell	Hayden	Moss, Ind.	Watkins
Daugherty	Hayes	Mott	Webb
Davenport	Head	Murdock	White
Davis, W. Va.	Heflin	Neeley	Willis
Dent	Helgesen	Padgett	Wilson, Pa.
Dickinson	Helm	Page	Witherspoon
Dickson, Miss.	Henry, Conn.	Patton, Pa.	Young, Kans.
Dies	Henry, Tex.	Pepper	Young, Tex.
Difenderfer	Hensley	Plumley	

NAYS—73.

Barchfeld	Buchanan	Crago	Denver
Bartholdt	Bulkeley	Crumacker	Donohoe
Boehne	Burke, Wis.	Curley	Doremus
Booher	Cooper	Curry	Dupré

Esch	Howell	Murray	Steenerson
Estopinal	Kahn	O'Shaunessy	Stevens, Minn.
Fergusson	Kennedy	Pickett	Stone
Fitzgerald	Kincaid, N. J.	Prouty	Talcott, N. Y.
Fuller	Konop	Reilly	Thayer
Gallagher	Korbly	Roberts, Mass.	Thistlewood
Gill	Lafferty	Roberts, Nev.	Tilson
Goldfogle	Lee, Pa.	Rodenberg	Tuttle
Good	Lobeck	Rucker, Colo.	Whitacre
Graham	McCreary	Sabath	Wilder
Green, Iowa	McDermott	Scott	Wilson, Ill.
Greene, Mass.	Madden	Sherley	Young, Mich.
Hamill	Miller	Sherwood	
Harrison, N. Y.	Moore, Pa.	Sloan	
Hawley	Morgan, La.	Smith, N. Y.	

ANSWERED "PRESENT"—6.

Browning	Driscoll, M. E.	McMorran	Mann
Davidson	Kendall		

NOT VOTING—125.

Ainey	Fordney	Littleton	Rothermel
Akin, N. Y.	Fornes	Longworth	Rucker, Mo.
Ames	Gardner, N. J.	Loud	Saunders
Andrus	George	McCall	Scully
Ansberry	Gillett	McCoy	Sells
Ashbrook	Goeke	McGillicuddy	Shackelford
Bates	Gould	McKellar	Sisson
Bathrick	Hammond	Maher	Slemp
Berger	Harris	Martin, Colo.	Smith, J. M. C.
Bradley	Harrison, Miss.	Martin, S. Dak.	Smith, Cal.
Broussard	Hart	Matthews	Sparkman
Brown	Haugen	Merritt	Speer
Burgess	Hill	Moon, Pa.	Stack
Burke, Pa.	Hobson	Moore, Tex.	Stephens, Nebr.
Burleson	Howard	Needham	Sulloway
Calder	Howland	Nelson	Talbott, Md.
Cannon	James	Norris	Taylor, Ala.
Carter	Johnson, Ky.	Nye	Taylor, Colo.
Cary	Johnson, S. C.	Oldfield	Taylor, Ohio
Conry	Kent	Olmsted	Townsend
Cravens	Kindred	Palmer	Turnbull
Danforth	Kinkaid, Nebr.	Parran	Underwood
Davis, Minn.	Kitchin	Patten, N. Y.	Vare
De Forest	Konig	Payne	Volstead
Dixon, Ind.	Lafean	Peters	Vreeland
Dodds	Lamb	Post	Weeks
Driscoll, D. A.	Langham	Pujo	Wilson, N. Y.
Dwight	Lee, Ga.	Ralney	Wood, N. J.
Dyer	Legare	Randell, Tex.	Woods, Iowa
Ellerbe	Levy	Ransdell, La.	
Fairchild	Lewis	Reyburn	
Fields	Lindsay	Riordan	

So the House decided to consider the conference report.

The following pairs were announced:

For the session:

Mr. LITTLETON with Mr. DWIGHT.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. PALMER with Mr. HILL.

Until further notice:

Mr. KITCHIN with Mr. FORDNEY.

Mr. RAINEY with Mr. MCCALL.

Mr. PUJO with Mr. MCMORRAN.

Mr. CONRY with Mr. LANGHAM.

Mr. UNDERWOOD with Mr. MANN.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. BURGESS with Mr. M. E. DRISCOLL.

Mr. SCULLY with Mr. BROWNING.

Mr. DIXON of Indiana with Mr. CARY.

Mr. ELLERBE with Mr. HAUGEN.

Mr. GEORGE with Mr. GILLET.

Mr. GOEKE with Mr. HOWLAND.

Mr. GOULD with Mr. LAFEAN.

Mr. HAMMOND with Mr. LOUD.

Mr. HARRISON of Mississippi with Mr. MARTIN of South Dakota.

Mr. HART with Mr. MATTHEWS.

Mr. JAMES with Mr. NEEDHAM.

Mr. JOHNSON of South Carolina with Mr. MERRITT.

Mr. JOHNSON of Kentucky with Mr. MOON of Pennsylvania.

Mr. KINDRED with Mr. NYE.

Mr. LAMB with Mr. OLMSTED.

Mr. LEWIS with Mr. SELLS.

Mr. MCCOY with Mr. REYBURN.

Mr. OLDFIELD with Mr. J. M. C. SMITH.

Mr. PATTEN of New York with Mr. SLEMP.

Mr. POST with Mr. SMITH of California.

Mr. ROTHERMEL with Mr. SPEER.

Mr. RUCKER of Missouri with Mr. SULLOWAY.

Mr. TAYLOR of Alabama with Mr. VOLSTEAD.

Mr. TOWNSEND with Mr. TAYLOR of Ohio.

Mr. WILSON of New York with Mr. VREELAND.

Mr. TAYLOR of Colorado with Mr. VARE.

Mr. MCGILLICUDDY with Mr. WEEKS.

Mr. MCKELLAR with Mr. WOODS of Iowa.

Mr. PETERS with Mr. PAYNE.

Mr. ANSBERRY with Mr. DAVIS of Minnesota.

Mr. ASHBROOK with Mr. DE FOREST.

Mr. BATHURICK with Mr. DODDS.

Mr. BROWN with Mr. DYER.

Mr. BURLESON with Mr. AMES.

Mr. CARTER with Mr. BATES.

Mr. DANIEL A. DRISCOLL with Mr. DANFORTH.

For consideration of conference report:

Mr. HOWARD (for) with Mr. CALDER (against).

Mr. FIELDS (for) with Mr. BURKE of Pennsylvania (against).

Mr. NELSON (for) with Mr. FITZGERALD (against).

Mr. KENT (for) with Mr. CANNON (against).

Mr. HARRIS (for) with Mr. LEVY (against).

Mr. SHACKLEFORD with Mr. LONGWORTH until February 1.

Mr. TRUMBULL with Mr. GARDNER of New Jersey until Monday.

Mr. LEE of Georgia with Mr. WOOD of New Jersey for this day.

Mr. SISSON with Mr. KENDALL on this vote.

Mr. BROWNING. Mr. Speaker, I have a general pair with the gentleman from New Jersey, Mr. SCULLY. He has not voted, and I wish to withdraw my vote of "aye" and answer "present."

The Clerk called the name of Mr. BROWNING, and he answered "Present," as above recorded.

Mr. MANN. Mr. Speaker, I voted "aye." I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I wish to withdraw my vote and answer "present."

The Clerk called the name of Mr. MANN, and he answered "Present," as above recorded.

Mr. KENDALL. Mr. Speaker, I voted "no," but I am paired with the gentleman from Mississippi, Mr. SISSON. I wish to withdraw that vote and answer "present."

The Clerk called the name of Mr. KENDALL, and he answered "Present," as above recorded.

Mr. LANGLEY. Mr. Speaker, I voted "aye." I am paired with my colleague, Mr. FIELD, but he is in favor of this bill, and I feel justified in voting as I did.

The SPEAKER. Does the gentleman wish his vote to stand?

Mr. LANGLEY. I do.

The SPEAKER. The Chair has nothing to do with pairs.

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. MANN. Mr. Speaker, I make the point of order that the conference report is not in order, because it contains matter which was not properly before the conferees and matter not in dispute between the two Houses. I reserve all points of order on the conference report, so that other gentlemen may present their matters. The Speaker will notice by the original papers in possession of the House that the amendment adopted by the House was to strike out all after the enacting clause and insert certain matter that is set forth.

As a matter of fact, the title to the bill and the enacting clause were not in dispute. Yet the conferees have included in their report as a part of the amendment to be agreed to an enacting clause and a title, in addition to the title and enacting clause which go with the Senate bill. As the enacting clause and title were not in dispute, not in disagreement, it was without the power of the conferees to include in their report as a part of the proposition agreed upon a title and an enacting clause.

The conference report provides:

That the Senate recede from its disagreement to the amendment of the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

"An act to regulate the immigration of aliens to and residence of aliens in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:"

And so on.

That is the matter which the conferees have included now as matter in lieu of the House amendment, but that matter was not in dispute, and if the conference report should be agreed to we will then have this anomalous condition.

We will pass an act containing—

An act to regulate the immigration of aliens to and the residence of aliens in the United States.

Containing an enacting clause—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

And then following that will again appear—

An act to regulate the immigration of aliens to and the residence of aliens in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

And so forth.

The title and enacting clause not being in dispute, it was not in order for the conferees to insert that in the conference report, so that if agreed to it will appear twice in the law that may be enacted.

Mr. GARDNER of Massachusetts. Mr. Speaker, I felt perfectly sure that the point of order would certainly be made, either that we had two enacting clauses or that we had none. The fact is this: The amendment adopted by the House not only inserted certain words in lieu of the Senate bill, but it provided that the enacting clause should stand. The Senate and the conferees agreed to strike out the House amendment, which may be construed as the equivalent of saying that the enacting clause shall not stand, and therefore that its reinsertion is required. We gave this question some thought, and then we looked the matter up to see what happened under precisely similar circumstances on February 18, 1907, when the conference report on the immigration bill of that year was adopted. In fact, we used that report as our model, and copied the exact wording, used under exactly the same circumstances. Here is what we found:

That the Senate recede from its disagreements to the amendment of the House, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert in lieu thereof the following: "An act entitled 'An act to regulate the immigration of aliens into the United States.'"

The cases are exactly parallel, and that was why we included the title in our conference report. Mr. Speaker, it does not make a particle of difference whether the bill has a double title or not. The conferees have the widest discretion, and the fact that we have duplicated words which the gentleman claims that both Houses have agreed upon is not in any way outside the discretion of the managers of the conference.

The SPEAKER. The point of order of the gentleman from Illinois [Mr. MANN] is overruled.

Mr. HAMILL. Mr. Speaker, I wish to offer the following motion, which I send to the desk and ask to have read.

Mr. SABATH. But, Mr. Speaker, I have reserved all points of order, and I desire to make a point of order to the report.

The SPEAKER. The Chair will recognize the gentleman from Illinois [Mr. SABATH] to state his point of order.

Mr. SABATH. Mr. Speaker, my point of order is that the conferees have exceeded their authority, and did not confine themselves to the differences committed to them; that they have inserted in this report matter and provisions that were not contained in the House bill or in the Senate bill. The language will be found beginning with the fourth line on the third page of the printed conference report, and is as follows:

Citizens and subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

That language, Mr. Speaker, is absolutely new, inserted by the conferees in violation of the rules of the House.

The SPEAKER. That was not in the Senate bill?

Mr. SABATH. No; nor in the House bill. It is a new provision. It is new matter, and I maintain, Mr. Speaker, that the conferees had no jurisdiction to insert that provision in the report or to agree to it. If there is any doubt in the Speaker's mind, I will refer him to the rules of the House. I read from page 279 of Jefferson's Manual, section 539:

The managers of a conference must confine themselves to the differences committed to them, and may not include subjects not within the disagreements, even though germane to the question in issue.

The SPEAKER. Is the gentleman finished?

Mr. SABATH. Mr. Speaker, I have also other authorities, but I do not think it is necessary for me to cite them. They hold the same way.

Mr. GARDNER of Massachusetts. Mr. Speaker, the gentleman is perfectly correct in his statement of the facts. It is entirely new matter, but it was not inserted until a very careful examination of the decision rendered by Mr. Speaker CLARK on August 14, 1911, in the matter of the woolen bill. I quote from the words of Mr. Speaker CLARK when a similar point of order was raised at that time:

The Chair does not know anything about the parliamentary clerks to Mr. Speaker COLFAX and Mr. Speaker CARLISLE, but the Chair is fully persuaded that every Member of this House who has served in prior Congresses will agree that Mr. Speaker HENDERSON and Mr. Speaker CANNON had the advantage of being advised by one of the most skillful parliamentarians in this country, the present Member from Maine [Mr. HINDS]. [Applause.]

All four of these Speakers, three Republicans and one Democrat, have passed on this question, and they have all ruled that where everything after the enacting clause is stricken out and a new bill substituted it gives the conferees very wide discretion, extending even to the substitution of an entirely new bill.

Then the Speaker proceeded to have incorporated in his opinion the opinions of Mr. Speaker COLFAX, Mr. Speaker CARLISLE, Mr. Speaker CANNON, and Mr. Speaker HENDERSON, the opinion of Mr. Speaker CANNON being delivered on a case exactly on all fours with this. The opinion related to the conference on the immigration bill of 1907, to which I have already alluded. The much-discussed provision as to Japanese passports did not appear either in the House or in the Senate bill,

but was inserted in conference. That decision was cited by Mr. Speaker CLARK in overruling the point of order made under precisely similar circumstances against the new legislation in the woolen bill last year.

The SPEAKER. The Chair overrules the point of order, and the Clerk will report the motion of Mr. HAMILL, of New Jersey. The Clerk read as follows:

Postpone the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and residence of aliens in the United States" until Thursday, January 23, 1913.

Mr. BURNETT. Mr. Speaker, I move the previous question on the motion to adopt the report of the conference committee. Mr. SHERLEY. Mr. Speaker, I make the preferential motion that the report lie upon the table.

The SPEAKER. The motion of the gentleman from Kentucky [Mr. SHERLEY] has preference.

Mr. SABATH. What is his motion?

The SPEAKER. To lay on the table. That finishes the bill if carried.

Subdivision 4 of Rule XVI runs as follows:

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order.

Now, there are three motions pending at once. The motion of the gentleman from Alabama takes precedence of the motion of the gentleman from New Jersey, and the motion of the gentleman from Kentucky takes precedence of both of them.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair thinks that motion is dilatory. The question is on the motion of the gentleman from Kentucky [Mr. SHERLEY] to lay on the table.

The question was taken; and the Speaker announced the yeas seemed to have it.

Mr. SHERLEY. Division, Mr. Speaker.

The House divided; and there were—yeas 39, noes 91.

Mr. BOEHNE. Mr. Speaker, I raise the point of order that there is no quorum present.

Mr. FOSTER. Mr. Speaker, I make the point of order that that motion is dilatory.

Mr. MANN. A point of no quorum can not be dilatory; that is a constitutional right.

Mr. FOSTER. We have just had a roll call and determined there was a quorum present.

Mr. MANN. The Speaker can determine whether there is a quorum present or not.

The SPEAKER. On this vote the yeas are 39 and the noes are 91.

Mr. BOEHNE. And I make the point of order that there is no quorum present.

Mr. FOSTER. Mr. Speaker, and I make the point of order that that is dilatory.

The SPEAKER. One hundred and seventy-three gentlemen are present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees.

Mr. GARDNER of Massachusetts. Mr. Speaker, is it too late to raise the point of order—

Mr. SHERLEY. Mr. Speaker, I demand the regular order.

Mr. GARDNER of Massachusetts. I am raising a point of order.

The SPEAKER. What is the gentleman's query?

Mr. GARDNER of Massachusetts. That it is not in order to lay a conference report on the table under the rule.

Mr. SHERLEY. Mr. Speaker, I make the point of order that it is too late and that in the absence of a quorum no business is in order.

Mr. GARDNER of Massachusetts. My query is, is it too late to raise that point of order?

The SPEAKER. One at a time, the gentleman from Massachusetts—

Mr. MANN. Mr. Speaker, I make the point of order that the Speaker having declared that no quorum was present the House can not transact any business until a quorum is here.

The SPEAKER. That is undoubtedly correct and the Clerk will call the roll.

The question was taken; and there were—yeas 60, noes 192, answered "present" 8, not voting 123, as follows:

YEAS—60.

Barchfeld	Bulkley	Esch	Goldfogle
Bartholdt	Burke, Wis.	Estopinal	Good
Boehne	Burleson	Fergusson	Graham
Boeber	Curley	Fuller	Green, Iowa
Borland	Donohoe	Gallagher	Greene, Mass.
Broussard	Dupré	Gill	Hamill

Kahn
Kinkead, N. J.
Konig
Konop
Korbly
Lee, Pa.
Lobeck
McCreary
McDermott

Madden
Miller
Moore, Pa.
Morgan, La.
Murray
Nye
O'Shaunessy
Ransdell, La.
Reilly

Roberts, Mass.
Rodenberg
Sabath
Scott
Sherley
Smith, N. Y.
Stevens, Minn.
Stone
Talcott, N. Y.

Thayer
Tilson
Towner
Tuttle
Volstead
Whitacre
Wilder
Wilson, Ill.
Young, Mich.

NAYS—192.

Adair
Adamson
Alexander
Allen
Anderson
Anthony
Ashbrook
Austin
Ayres
Bartlett
Beall, Tex.
Bell, Ga.
Blackmon
Brantley
Buchanan
Burke, S. Dak.
Burnett
Butler
Byrnes, S. C.
Byrns, Tenn.
Callaway
Campbell
Candler
Cantrill
Carlin
Clark, Fla.
Clayton
Cline
Collier
Cooper
Copley
Covington
Crago
Cravens
Crumppacker
Cullop
Currier
Dalzell
Daugherty
Davenport
Davis, Minn.
Davis, W. Va.
Dent
Denver
Dickinson
Dies
Difenderfer

Dodds
Doughton
Draper
Edwards
Evans
Faison
Farr
Ferris
Finley
Flood, Va.
Floyd, Ark.
Focht
Foss
Foster
Fowler
Francis
French
Gardner, Mass.
Garner
Garrett
Glass
Godwin, N. C.
Goodwin, Ark.
Gray
Greene, Vt.
Gregg, Pa.
Gregg, Tex.
Gudger
Guernsey
Hamilton, Mich.
Hamilton, W. Va.
Hamlin
Hardwick
Hardy
Harrison, Miss.
Hart
Hartman
Hay
Hayden
Hayes
Heflin
Helgesen
Helm
Henry, Conn.
Henry, Tex.
Hensley
Higgins
Hinds

Holland
Houston
Howell
Hughes, Ga.
Hughes, W. Va.
Humphreys, Wash.
Humphreys, Miss.
Jackson
Jacoway
Jones
Kennedy
Kinkaid, Nebr.
Knowland
Kopp
Lafferty
La Follette
Langley
Lenroot
Lever
Lindbergh
Linthicum
Littlepage
Lloyd
McKenzie
McKinney
McLaughlin
Macon
Maguire, Nebr.
Martin, S. Dak.
Mays
Mondell
Moon, Tenn.
Morgan, Okla.
Morrison
Morse, Wis.
Moss, Ind.
Murdoch
Needham
Neeley
Nelson
Padgett
Page
Patton, Pa.
Pepper
Pickett
Plumley
Porter
Powers

Pray
Prince
Prouty
Itaker
Itedfield
Rees
Roberts, Nev.
Rodenberg
Rothermel
Rousey
Rucker, Colo.
Russell
Saunders
Sharp
Sheppard
Sherwood
Simmons
Sims
Slayden
Slomp
Sloan
Small
Smith, Saml. W.
Smith, Tex.
Stanley
Stedman
Steenerson
Stephens, Cal.
Stephens, Miss.
Stephens, Tex.
Sterling
Sweet
Switzer
Taylor, Ala.
Thistlewood
Thomas
Tribble
Underhill
Warburton
Watkins
Webb
White
Willis
Wilson, Pa.
Witherspoon
Young, Kans.
Young, Tex.

ANSWERED "PRESENT"—8.

Browning
Fairchild

Haugen
Hawley

Kendall
McMorran

Mann
Sparkman

NOT VOTING—123.

Aiken, S. C.
Ainey
Akin, N. Y.
Ames
Andrus
Ansberry
Barnhart
Bates
Bathrick
Berger
Bradley
Brown
Burgess
Burke, Pa.
Calder
Cannon
Carter
Cary
Claypool
Conry
Cox
Curry
Danforth
Davidson
De Forest
Dixon, Ind.
Doremus
Driscoll, D. A.
Driscoll, M. E.
Dwight
Dyer

Ellerbe
Fields
Fitzgerald
Fordney
Fornes
Gardner, N. J.
George
Gillett
Glick
Gould
Grissett
Hammond
Harris
Harrison, N. Y.
Heald
Hill
Hobson
Howard
Howland
Hull
Hull
James
Johnson, Ky.
Johnson, S. C.
Kent
Kindred
Kitchin
Lafean
Lamb
Langham
Lawrence
Lee, Ga.

Legare
Levy
Lewis
Lindsay
Littleton
Longworth
Loud
McCall
McCoy
McGillivuddy
McGuire, Okla.
McKellar
McKinley
Maher
Martin, Colo.
Matthews
Merritt
Moon, Pa.
Moore, Tex.
Mott
Norris
Oldfield
Olmsford
Palmer
Paran
Patton, N. Y.
Payne
Peters
Post
Pou
Pajo

Rainey
Randell, Tex.
Ranch
Reynolds
Richardson
Riordan
Rucker, Mo.
Scully
Shells
Shackleford
Sisson
Smith, J. M. C.
Smith, Cal.
Speer
Stack
Stephens, Nebr.
Sulloway
Taggart
Tadott, Md.
Taylor, Colo.
Taylor, Ohio
Townsend
Turnbull
Underwood
Vare
Vreeland
Weeks
Wilson, N. Y.
Wood, N. J.
Woods, Iowa

So the motion to lay the conference report on the table was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANSBERRY with Mr. SPEER.

Mr. BATHRICK with Mr. AINEY.

Mr. JAMES with Mr. GILLET.

Mr. HULL with Mr. AMES.

Mr. CLAYPOOL with Mr. BATES.

Mr. COX with Mr. HEALD.

Mr. FITZGERALD with Mr. MCKINLEY.

Mr. HARRISON of New York with Mr. MOTT.

Mr. NEELEY with Mr. CURRY.

Mr. Pou with Mr. LAWRENCE.
Mr. TAGGART with Mr. VARE.
Mr. CARTER with Mr. MCGUIRE of Oklahoma.
Mr. MANN. Mr. Speaker, I voted "nay," but because I am paired with the gentleman from Alabama, Mr. UNDERWOOD, I desire to be recorded "present."

The SPEAKER. Call the gentleman's name.
The Clerk called the name of Mr. MANN, and he answered "Present."

The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

Mr. GOLDFOGLE. Mr. Speaker, I desire to raise the point of order that the conferees exceeded their jurisdiction. I do not think the attention of the Chair was called—

The SPEAKER. It is too late. The Chair passed on that matter after elaborate argument.

Mr. GOLDFOGLE. Well, I wanted to say to the Chair that I do not think the attention of the Chair was called to the fact that there are certain provisions in this conference report that are in nowise pertinent to the provisions of the bill as it came from the Senate or as it was reported from the House committee.

The SPEAKER. The Chair ruled that it is too late. The gentleman from Illinois [Mr. SABATH] reserved a point of order; and the gentleman from Illinois [Mr. MANN] and the gentleman from Illinois [Mr. SABATH] both took a turn at that very question which the gentleman raises now, and the Chair passed on it and overruled their objections and points of order, and the House has passed on the question of laying the conference report on the table.

Mr. MURRAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURRAY. Do I understand the Chair to rule that if the gentleman from New York [Mr. GOLDFOGLE] suggests something in addition to what has already been suggested as having been done beyond the rights of the conferees, it is not in order?

The SPEAKER. The bill has passed that stage, and the Chair has passed on it.

Mr. MURRAY. So that, even if additional matter is presented as having been included in the conference report outside of the rights of the conferees, it could not be in order?

The SPEAKER. No. There must be an end to everything.

Mr. GOLDFOGLE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GOLDFOGLE. If, as has occurred, the motion to lay the conference report on the table was voted on and defeated, would that prevent the raising of a point of order that the conferees had exceeded their jurisdiction?

The SPEAKER. That matter is res adjudicata. It has been passed upon, and there is a motion pending before the House—

Mr. GOLDFOGLE. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GOLDFOGLE. If the point of order that I desire now to raise relates to matter that did not come up at all under the point of order that was raised before, am I not in order to raise that point now?

The SPEAKER. The orderly conduct of the House requires that everything have a time and a season, and when you pass that you can not get that up any more.

Mr. GOLDFOGLE. But that which is now to be presented is what we did not consider.

The SPEAKER. But the gentleman had the opportunity to consider it.

Mr. GOLDFOGLE. The gentlemen who argued the points of order presented their propositions, and thereupon a motion was made, which the Chair very properly recognized, namely, to lay the conference report on the table. The Chair was bound to put that motion when it was made.

The SPEAKER. Here is the situation: The gentleman from Illinois, Mr. MANN, and the gentleman from Illinois, Mr. SABATH, raised points of order, and each one of them raised the question that the gentleman raises now. They argued it elaborately and learnedly, and the Chair ruled them out of order, and that closed the incident, unless somebody else did then what the gentleman from New York is trying to do now.

Mr. GOLDFOGLE. But the further opportunity to raise points of order was cut off when the motion to lay on the table was made.

The SPEAKER. The Chair is aware of that, but a motion for the previous question is now pending. The question is on agreeing to the motion for the previous question.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. SABATH. Mr. Speaker, I demand a division.
The SPEAKER. The gentleman from Illinois [Mr. SABATH] demands a division.

The House divided; and there were—ayes 111, noes 67.

Mr. SABATH. Mr. Speaker, I demand the yeas and nays.

Mr. MADDEN. I make the point of no quorum.

The SPEAKER. This is the easiest way of finding out whether there is a quorum.

Mr. GOLDFOGLE. I raise the point of no quorum.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of ordering the previous question will, when their names are called, answer "aye"; those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 167, nays 76, answered "present" 9, not voting 131, as follows:

YEAS—167.

Adair	Dodds	Hensley	Pray
Adamson	Doughton	Higgins	Prince
Alexander	Draper	Hinds	Raker
Anthony	Edwards	Holland	Rauch
Ashbrook	Evans	Houston	Rees
Austin	Faison	Hughes, Ga.	Roberts, Nev.
Ayres	Farr	Hughes, W. Va.	Roddenberry
Bartlett	Ferris	Humphrey, Wash.	Rothermel
Beall, Tex.	Finley	Humphreys, Miss.	Rouse
Bell, Ga.	Flood, Va.	Jackson	Rubey
Blackmon	Floyd, Ark.	Jacoway	Rucker, Colo.
Borland	Focht	Johnson, S. C.	Russell
Brantley	Foss	Jones	Saunders
Buchanan	Poster	Kinkaid, Nebr.	Sharp
Burke, S. Dak.	Fowler	Knowland	Sheppard
Burnett	Francis	Kopp	Simmons
Butler	French	La Follette	Sims
Byrnes, S. C.	Fuller	Langley	Slayden
Callaway	Gardner, Mass.	Lawrence	Slemp
Campbell	Garner	Linthicum	Small
Candler	Glass	Littlepage	Smith, Saml. W.
Cantrill	Godwin, N. C.	Lloyd	Smith, Tex.
Carlin	Goodwin, Ark.	McKenzie	Stedman
Clark, Fla.	Gregg, Pa.	McKinney	Stephens, Cal.
Clayton	Gregg, Tex.	McLaughlin	Stephens, Miss.
Cline	Gudger	Macon	Stephens, Tex.
Collier	Guernsey	Maguire, Nebr.	Sterling
Copley	Hamilton, Mich.	Mays	Sweet
Covington	Hamilton, W. Va.	Moon, Tenn.	Switzer
Cravens	Hamlin	Morgan, Okla.	Taggart
Cullop	Hardwick	Morrison	Thomas
Currier	Hardy	Morse, Wis.	Tribble
Dalzell	Harrison, Miss.	Moss, Ind.	Underhill
Daugherty	Hartman	Mott	Webb
Davenport	Hay	Murdock	White
Davis, W. Va.	Hayden	Neeley	Willis
Dent	Hayes	Nelson	Wilson, Ill.
Denver	Heflin	Padgett	Wilson, Pa.
Dickinson	Helgesen	Page	Witherspoon
Dickson, Miss.	Helm	Patton, Pa.	Young, Kans.
Dies	Henry, Conn.	Pepper	Young, Tex.
Difenderfer	Henry, Tex.	Pumley	

NAYS—76.

Allen	Esch	Lenroot	Roberts, Mass.
Anderson	Fergusson	Lindbergh	Rodenberg
Barchfield	Gallagher	Lobeck	Sabath
Barnhart	Gill	McCreary	Scott
Bartholdt	Goldfogle	McDermott	Sherley
Boehne	Good	Madden	Sherwood
Booher	Graham	Miller	Sloan
Broussard	Gray	Mondell	Steenerson
Bulkley	Green, Iowa	Moore, Pa.	Stevens, Minn.
Burleson	Greene, Mass.	Morgan, La.	Stone
Byrnes, Tenn.	Hamill	Murray	Talcott, N. Y.
Cooper	Howell	Norris	Thayer
Crago	Kahn	Nye	Tilson
Crumacker	Kennedy	O'Shaunessy	Towner
Curley	Kinkaid, N. J.	Pickett	Townsend
Davis, Minn.	Konig	Powers	Tuttle
Donohoe	Konop	Prouty	Volstead
Doremus	Korbly	Ransdell, La.	Warburton
Dupré	Lee, Pa.	Reilly	Whitacre

ANSWERED "PRESENT"—9.

Bradley	Haugen	Kendall	McMorran
Browning	Hawley	Loud	Mann
Fairchild			

NOT VOTING—131.

Aiken, S. C.	Curry	Gould	Lamb
Ainey	Danforth	Greene, Vt.	Langham
Akin, N. Y.	Davidson	Griest	Lee, Ga.
Ames	De Forest	Hammond	Legare
Andrus	Dixon, Ind.	Harris	Lever
Ansberry	Driscoll, D. A.	Harrison, N. Y.	Levy
Bates	Driscoll, M. E.	Hart	Lewis
Bathrick	Dwight	Heald	Lindsay
Berger	Dyer	Hill	Littleton
Brown	Ellerbe	Hobson	Longworth
Burgess	Estopinal	Howard	McCall
Burke, Pa.	Fields	Howland	McCoy
Burke, Wis.	Fitzgerald	Hull	McGillivuddy
Calder	Fordney	James	McGuire, Okla.
Cannon	Fornes	Johnson, Ky.	McKellar
Carler	Gardner, N. J.	Kent	McKinley
Cary	Garrett	Kindred	Maher
Claypool	George	Kitchin	Martin, Colo.
Conry	Gillett	Lafean	Martin, S. Dak.
Cox	Goeko	Lafferty	Matthews

Merritt	Pon	Smith, J. M. C.	Thistlewood
Moon, Pa.	Pujo	Smith, Cal.	Turnbull
Moore, Tex.	Rainey	Smith, N. Y.	Underwood
Needham	Randell, Tex.	Sparkman	Vare
Oldfield	Redfield	Speer	Vreeland
Olmsted	Reyburn	Stack	Watkins
Palmer	Richardson	Stanley	Weeks
Parran	Riordan	Stephens, Nebr.	Wilder
Patten, N. Y.	Rucker, Mo.	Sulloway	Wilson, N. Y.
Payne	Scully	Talbot, Md.	Wood, N. J.
Peters	Sells	Taylor, Ala.	Woods, Iowa
Porter	Shackelford	Taylor, Colo.	Young, Mich.
Post	Sisson	Taylor, Ohio	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. WATKINS with Mr. DE FOREST.

Mr. ESTOPINAL with Mr. BATES.

Mr. GARRETT with Mr. MERRITT.

Mr. POU with Mr. GREENE of Vermont.

Mr. LEVER with Mr. MARTIN of South Dakota.

Mr. REDFIELD with Mr. PORTER.

Mr. SHERWOOD with Mr. THISTLEWOOD.

Mr. STANLEY with Mr. TAYLOR of Ohio.

Mr. SMITH of New York with Mr. LAFFERTY.

Mr. TAYLOR of Colorado with Mr. WILDER.

Mr. RANDELL of Texas with Mr. YOUNG of Michigan.

Mr. BRADLEY. Mr. Speaker, I am paired with the gentleman from New York, Mr. FURNES. I voted "aye," and I desire to withdraw that vote and to be recorded present.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. There will be a debate of 40 minutes, 20 minutes to be controlled by the gentleman from Alabama [Mr. BURNETT] and 20 minutes by the gentleman from Illinois [Mr. SABATH].

[Mr. BURNETT addressed the House. See Appendix.]

Mr. BURNETT. I now yield to the gentleman from Kentucky [Mr. POWERS].

[Mr. POWERS addressed the House. See Appendix.]

Mr. SABATH. Mr. Speaker, I will thank the Chair to notify me when I have consumed five minutes of time. I admit, Mr. Speaker, that the three provisions that the gentleman from Alabama [Mr. BURNETT] has stated were eliminated from the Dillingham bill were of some importance, but for every elimination from the Dillingham bill the conferees have substituted and inserted at least 10 harsh, stringent, and unfair provisions, so that now it is without doubt the most vicious, the most drastic, the most undemocratic and un-American measure that was ever brought to this House. [Applause.] Some weeks ago the House was called upon to vote upon the so-called Burnett bill, comprising a page and a half, which simply provided for the educational test. To-day you are urged to consider and vote upon a bill that contains 60 pages, and I venture to say that there are not 10 Members present who have read or who are acquainted with all of the provisions contained in this bill.

Mr. MURRAY. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Certainly.

Mr. MURRAY. Is it not a fact that the bill itself is not yet printed, and is not available for distribution in the House?

Mr. SABATH. A copy of the report is printed, but I am satisfied that hardly a dozen Members have had an opportunity to see it or read it. I say without fear of successful contradiction that everything that was good in the Dillingham bill was eliminated, and everything that could possibly be inserted to make it harsher and more stringent was injected by the conferees. The limited time at my disposal does not permit of my going into details and pointing out to the Members of this House the various matters that have been inserted in the bill, but I wish to call attention to some of the harshest provisions now incorporated in this bill.

On the very first page we find that should this bill pass it will apply not only to immigrants but to all aliens, it matters not whether they have resided here for 5, 10, 15, or 20 years. Unless they become citizens, and our strict naturalization laws practically preclude this in the majority of instances, they will be subjected to all of the harsh provisions of this bill if, perchance, they go abroad to visit their aged father and mother or other relatives or to adjust any estate they may have in the old country.

The deportation clause in the bill provides that anyone who may be found guilty of a crime punishable by imprisonment for one or more years will be deported after the expiration of his sentence, though he has paid the penalty for his indiscretions, and notwithstanding the fact that he may have resided here

for any number of years and may have an American wife and children born in this country.

The bill increases the head tax from \$4 to \$5, and this applies not only to immigrants but to all aliens.

Then, on the fourth page of this bill, we find the provision that "citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate shall be debarred." What is the significance of this, gentlemen? It means that practically one-half of the immigrants from such European countries as Russia, Austria, and other countries that issue such certificates will be prevented from entering this country, due to the fact that they will be unable to secure these certificates, for practically that number leave their homes surreptitiously for fear that if they make known their plans they will be prevented from embarking. I ask you, gentlemen, is it just that we should demand from these people a certificate of character when they already have so many obstacles interposed to prevent their leaving their native land? Is it fair that we should give to these Governments the power to say who can and who can not emigrate to America? [Applause.]

As to the educational test, the House managers did attempt to make some exceptions in the case of the wives, parents, and children of the immigrants, so that they would be exempted from this test, but further on in the bill this exemption is nullified by a provision which directs that a fine shall be imposed on anyone and on any steamship company that brings into this country anyone who does not know how to read. Are you gentlemen aware that this provision would debar practically all of the women who emigrate from Russia, Roumania, Galicia, Poland, and many other countries? These women are denied the opportunity of learning to read, and therefore this clause would absolutely prevent their entry into the United States. Then let me direct your attention to the proviso which stipulates that all persons shall be excluded who "have committed a felony"; notice that this does not provide for the exclusion of those who have been convicted of a felony, but those who have committed a felony. This will give the Russian spies an opportunity to cause the deportation of anyone whom they desire to have excluded, for all that is necessary is that they accuse the immigrant of having committed a felony. It also confers arbitrary power on immigrant inspectors to try aliens and punish them by deportation under an act which confers authority on the immigrant inspector to subpoena witnesses, but gives no such authority to the alien. No other law ever proposed was ever so unjust to one party to a trial.

I have mentioned only a few of the more drastic provisions which have been inserted in this bill, but there are numerous others which impose unjust and unreasonable restrictions upon those seeking admission to the United States.

I feel sure that those of you who voted for the passage of the Burnett bill were convinced that the literacy test which that measure provided was the utmost restriction that should be demanded. When the Dillingham bill was originally reported to the House it was very evident that the provisions contained therein were deemed most obnoxious, and it was voted that they be stricken out; yet you now have presented to you a much harsher and more drastic measure, the passage of which is advocated by a few professional patriots and narrow-minded restrictionists. [Applause.] Will you yield to their demands? For fear that you may, I again appeal to you to carefully consider your action lest you may later regret your haste and indiscretion.

Mr. Speaker, when the managers on the part of the House were appointed to this conference it was understood that they would represent the wishes of this House; yet they have tolerated and agreed to the insertion of practically all of the most stringent provisions of the original Dillingham bill—provisions that were rejected by this body—as well as additional provisions that were never considered by this House.

Will the Members of the House now ratify the action of the conferees, who have deliberately exceeded their power, by passing the measure. I hope not. If you do, you will establish a dangerous precedent, as you will sanction legislation by six—yes, by four—conferees, as in this case, instead of legislation by the House as a whole.

Before concluding permit me again to counsel you not to be carried away by prejudice. This legislation means a great deal to thousands upon thousands of honest, industrious, freedom and liberty seeking people, now persecuted and oppressed by tyrannical governments, for this bill will not keep out educated disturbers and anarchists, but it will exclude honest, thrifty, hard-working people, who have, on account of conditions over which they exercise no control, been deprived of an opportunity to secure an education.

Mr. Speaker, as a member of the Immigration Committee, as a member of this conference, and upon the floor of this House, I have done everything within my power to secure certain changes and modifications in this bill. In a few cases I have succeeded, in the majority I have failed, but I am confident that you will agree with me that my failure has not been due to indifference on my part. I am satisfied that I have done everything possible to convince the Members of this House of the justice of my views. If I have failed, I regret it exceedingly and feel sure that in the near future you will. [Applause.]

The SPEAKER. The gentleman has consumed five minutes. Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. BURNETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eight minutes.

Mr. BURNETT. I yield to the gentleman from California [Mr. HAYES], if he is present.

Mr. HAYES. Mr. Speaker, I desire to call to the attention of the House one of the provisions included by the conferees in this bill. It provides for the exclusion of a class of aliens not heretofore excluded under our laws by adding the following to the excluded classes:

Persons who can not become eligible under existing law to become citizens of the United States by naturalization unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

Some of the exceptions of this provision I do not approve. I wish they were not in the bill. I doubt the wisdom of substituting a sort of gentlemen's agreement between nations for the provisions of legislative enactment, especially in a matter so vital as immigration. But I do enthusiastically indorse the principle which by the provision above quoted is incorporated into the immigration law. Any people who are not to be fully assimilated and included in the whole body of our citizenship, with all the rights and duties incident thereto should be rigidly excluded from our shores. This rule should be made a fundamental principle of our immigration laws, to be strictly adhered to at all times and under all circumstances. To admit to this country any considerable number of immigrants from a country the inhabitants of which we do not admit to citizenship under our laws is to import another race problem similar to the one we now have in the South. I believe that no man on this floor would like to see that problem duplicated in the West.

Four years ago I introduced a bill embodying the principle above referred to, and have been advocating it ever since. I am much gratified that the conferees on the part of the House have incorporated this provision in their report.

For many years I have advocated the extension of the Chinese-exclusion act so as to exclude all Asiatic laborers. I still believe that some positive legislative enactment which would effectually exclude them would be better than the gentleman's agreement between this country and Japan, and I still hope to see such an act take the place of that agreement. I will admit, however, that so far this agreement has worked fairly well. It is only fair to say that under it laborers from Japan have been generally excluded. It has worked quite as satisfactorily as the Chinese-exclusion act has in excluding Chinese laborers. When it ceases to so work the agreement can be abrogated and the provisions of the bill to which I have referred made applicable.

I also desire to especially commend the provision in the bill that when the classes excepted from the operation of its provisions—

fail to maintain in the United States a status or occupation placing them within the excepted classes they shall be deemed to be in the United States contrary to law, and shall be subject to deportation.

The lack of such a provision has always been a great weakness in the Chinese-exclusion law. In the Fifty-ninth Congress I introduced a bill to incorporate such a provision in our exclusion laws, and have reintroduced it in every subsequent Congress, and I am gratified that at last it is in a fair way of becoming a part of the law of the land.

On the whole, the bill is a long step in the right direction. I shall cheerfully vote to adopt the conference report.

Mr. BURNETT. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. GUDGER].

[Mr. GUDGER addressed the House. See Appendix.]

Mr. BURNETT. Will the gentleman from Illinois yield some of his time?

Mr. SABATH. I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, it seems to me to be a very bad and dangerous practice to place in the hands of six conferees the power to write legislation that has never been considered in the House. We are confronted in this instance with a bill, the print of which in italics in the report covers 24 pages—the bill itself covering some 60 pages—and being a bill which practically revises all the immigration and naturalization laws of the United States. The House has not considered any phase of this legislation as it now comes up to us except the illiteracy test, which we discussed here in a separate bill several weeks ago. It seems to me this kind of legislation ought to originate in the House, and the House ought surely to have the right to discuss the change of laws affecting immigration.

As for the bill itself, I have not had the time to read it, and I question whether any other gentleman in the House has had time to read it carefully or to make comparisons with the existing law, but as I read some sections of the bill I find it to be very objectionable. There are some admirable features in the bill; some intended to prevent, for instance, the admission of those who surreptitiously ship as sailors or who seek to come in as stowaways. I have not time to enumerate any of these features. What I particularly object to is that feature of the bill providing an illiteracy test which bars from the country poor but law-abiding labor, which we need here and which comes of its own volition. Of course the anarchist, the murderer, the criminal, and certain objectionable classes are barred, but we have ample existing law against them. The hardship is as to the common laborer who can not read, and while the bill denies him admission, it excepts from the forbidden classes certain other classes that may be equally undesirable. Let me show you: Here is the lawyer. He can come in. Judging from the number of lawyers in this House and elsewhere throughout the country, it is fair to presume we have enough lawyers already. [Laughter.] But the American lawyer has no protection in this bill against the foreigner. The bill admits "ministers, religious teachers and missionaries, and students." The Lord knows we have enough poorly paid ministers in this country now. We also have plenty of students to preach all sorts of doctrines and stir up all sorts of unrest. Then the bill admits the "journalist." Will anyone tell me what a journalist is?

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. May I have one minute more?

Mr. SABATH. I am very sorry, but I can not yield to the gentleman.

Mr. MOORE of Pennsylvania. The journalist is that high-grade gentleman who trades upon the reputation of legitimate newspaper men—

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Who are competed with in this bill. I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, what has just transpired illustrates the absurdity of attempting to discuss a bill of this importance in three minutes. Altogether only 40 minutes of debate is to be allowed on this bill, and in that time the House is to learn all it is intended it should know about the repeal, revision, and amendment of nearly all the laws affecting immigration in addition to the new matter which has been injected into the bill in conference, without regard to either the Senate or the House. If the majority is satisfied to do business this way, however, there is no alternative but to submit until the people at large more thoroughly understand the sumptuary methods of propulsion and suppression that are possible under the rules of the House. If in the past, under any system of rules, there has been any just cause for grievance on the part of those who constitute a deliberative body, the action of to-day does not fall far short of the high record mark in the annals of parliamentary gagging.

But I was saying, Mr. Speaker, that the bill which has thus been thrust upon us keeps out the downtrodden poor and admits the elect. I have already referred to the lawyers, the

ministers, and the missionaries as excepted classes. The list must be extended to include physicians, chemists, engineers, teachers, students, authors, editors, merchants, bankers, and journalists. I have commented briefly upon journalists and have wondered whether, under this denomination, common labor being barred, it is proposed to admit every nonworking writer who has peculiar notions of government and who will unload upon us the moment he is admitted. It would seem to me we have enough poorly paid editors in this country, but the bill proposes to take on more, and apparently there is no labor union to step in and say "nay." It is interesting to note that "merchants" are to come in, the term being sufficiently elastic to include anyone from the shoe-string vender up to the mail-order house magnate, but common labor is not desired. To the Pujo investigating committee is commended that clause of the bill which admits "bankers" free. Evidently we have not enough of this commodity in the United States and invite competition.

Indeed, it is interesting to observe how we shut out the trench diggers and sewer builders, while we admit the professional classes, particularly the actors and actresses, the authors and preachers, who come over to pick up a few American dollars and go back to write up their impressions of the country. In the effort to prevent the separation of families, which is one of the cruel features of existing law, the bill makes some progress, but it is so severe on children under 16 years that it would exclude any child below that age who is sent to this country to be educated, and yet we have universities and colleges, particularly in medicine and dentistry, that are the admiration of the world.

On the whole, the bill as rewritten seems to favor the admission of nonworking professionals of whom we would seem to have a plenty in the United States, but it cuts out the drudge for whom, at least in some families and in some employments, there is a present need. I am obliged to the House for the leave thus granted to extend by remarks.

Mr. SABATH. I yield to the gentleman from New Jersey [Mr. HAMILL].

[Mr. HAMILL addressed the House. See Appendix.]

Mr. SABATH. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I voted for the House bill. I have been in full sympathy with those who desire legislation upon this subject at this session, and have done what I could to bring it about. But, Mr. Speaker, I can not vote for this conference report chiefly because of one provision in the bill which reads as follows, as to excluded classes:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

That means, Mr. Speaker, that this country, for the first time in its history, is willing by this legislation to say to the world that in addition to the classes that we propose to exclude we will let them say what others shall be excluded as well from admission into the United States. Mr. Speaker, what will be the result? Russia could to-morrow issue certificates of character when this becomes a law, and does anyone believe for one moment a Jew after that could be admitted into the United States? You know he could not. And it is the same with other countries.

Another provision a little later in the bill exempts those who have been convicted of political offenses, but with this provision that I have quoted in the bill, though they have been convicted of political offenses, and they ought not to be excluded for that reason, does anyone believe any nation on earth would issue a certificate of character to one of its subjects who had been convicted of a political offense? And in the absence of the certificate they could not be admitted.

Another provision permits certain relatives of a citizen of the United States to come in without passing the illiteracy test. As the bill stands they will be required to produce a certificate of character. Failing to secure it, a man's wife will not be permitted to come into this country. Are we by this vote to say to these countries, "We will let you decide who shall not be admitted into this country," instead of deciding it for ourselves? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MURRAY. Mr. Speaker, in order to get it clearly in the Record, may I inquire of the Chair whether it is in order during this debate to move to strike out from the pending bill any of the objectionable provisions mentioned by the gentleman from Wisconsin [Mr. LENROOT]?

The SPEAKER. It is not. You will have to take the conference report as a whole or reject it as a whole.

Mr. KONIG. Mr. Speaker, I raise the point of no quorum.

Mr. BURNETT. I yield four minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. KONIG. Mr. Speaker, I make the point of no quorum.

Mr. BURNETT. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER. Does the gentleman from Maryland [Mr. KONIG] withdraw his point?

Mr. KONIG. I raise the point of order that there is no quorum present. You can not do business without a quorum.

The SPEAKER. The question is not debatable. The Chair will count. [After counting.] One hundred and fifty-three gentlemen are present, not a quorum.

Mr. BURNETT. Mr. Speaker, I move a call of the House.

Mr. SABATH. Mr. Speaker, I move to adjourn.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] moves a call of the House.

Mr. SABATH. I move to adjourn.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] moves that the House do now adjourn.

Mr. BURNETT. I hope that will be voted down.

The SPEAKER. That is not debatable. The question is on the motion of the gentleman from Illinois [Mr. SABATH] that the House do now adjourn.

The question was taken; and the Speaker announced that the "noes" seemed to have it.

Mr. SHERLEY. Division, Mr. Speaker.

Mr. GARDNER of Massachusetts. To save time, Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Nineteen gentlemen have arisen—not a sufficient number. The yeas and nays are refused. The gentleman from Kentucky [Mr. SHERLEY] demands a division on the motion to adjourn.

The House divided; and there were—ayes 63, noes 81.

So the House refused to adjourn.

Mr. MURRAY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. A quorum is not required on a question of adjournment.

Mr. MURRAY. But it requires a quorum to do business.

Mr. MANN. The motion for a call of the House has already been made.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. BURNETT], that there shall be a call of the House.

The question was taken; and the Speaker announced that the "ayes" seemed to have it.

Mr. GARNER. A division, Mr. Speaker.

The House divided; and there were—ayes 73, noes 65.

So a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Alken, S. C.	Fuller	Legare	Rucker, Colo.
Ainey	Gardner, N. J.	Levy	Rucker, Mo.
Akin, N. Y.	George	Lewis	Scully
Ames	Gillett	Lindsay	Sells
Andrus	Glass	Littleton	Shackleford
Ansberry	Goeke	McCall	Sisson
Anthony	Good	McCoy	Slayden
Bates	Gould	McGillivuddy	Smith, J. M. C.
Bathrick	Guernsey	McGuire, Okla.	Smith, Cal.
Berger	Hammond	McKellar	Smith, N. Y.
Blackmon	Harris	McKinley	Speer
Brown	Harrison, N. Y.	Maher	Stack
Burgess	Hart	Martin, Colo.	Steenerson
Burke, Pa.	Haugen	Matthews	Stephens, Nebr.
Calder	Heald	Merritt	Sulloway
Cannon	Henry, Conn.	Moon, Pa.	Taggart
Cary	Hensley	Moore, Tex.	Talbot, Md.
Claypool	Higgins	Morgan, La.	Talcott, N. Y.
Conry	Hill	Needham	Taylor, Ala.
Covington	Hobson	Oldfield	Taylor, Colo.
Crumpacker	Howard	Olmsted	Taylor, Ohio
Curry	Howell	Parran	Thayer
Danforth	Howland	Patten, N. Y.	Thistlewood
Davidson	Hull	Peters	Townsend
De Forest	Humphreys, Miss.	Post	Turnbull
Dickson, Miss.	James	Prince	Underwood
Driscoll, D. A.	Johnson, Ky.	Prouty	Vare
Driscoll, M. E.	Johnson, S. C.	Pujo	Vreeland
Dupré	Kent	Rainey	Weeks
Dwight	Kindred	Randell, Tex.	Wilder
Dyer	Kinkaid, Nebr.	Ransdell, La.	Wilson, N. Y.
Estopinal	Lafean	Reyburn	Wood, N. J.
Fields	Lamb	Richardson	Woods, Iowa
Fitzgerald	Langham	Riordan	
Fornes	Lawrence	Rouse	

The SPEAKER. Two hundred and forty-four Members have responded to their names—a quorum.

Mr. FOSTER. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Alabama [Mr. BURNETT] has seven minutes and the gentleman from Illinois [Mr. SABATH] has eight minutes remaining.

Mr. BURNETT. I yield four minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT], who has discussed this question of penalty certificates, or certificates of character, evidently does not understand the meaning of the clause to which he objects. Italy—and, I believe, other countries—have a system under which every citizen is supplied with a document which he must show on demand. If he has ever been convicted of an offense the fact is entered on that document. When the Immigration Commission was abroad it was pointed out to them that it would be very wise to put into our law a provision of this sort which we are discussing. In order to exclude criminals, it was suggested that we should ordain that when an immigrant comes here who is a citizen of any country which issues these certificates of character and penal certificates, we should say to him, "Now, sir, show us that paper which your Government requires you to possess. If that paper shows that you are a criminal, then you can not come in. If there are no convictions against you, we judge that you are no criminal. If you come from Italy and refuse to show us your papers we shall believe that there is something wrong with you."

Mr. BARTHOLDT. Will the gentleman yield?

Mr. GARDNER of Massachusetts. I ask the gentleman to let me complete my statement. Now, Mr. Speaker, the Secretary of Commerce and Labor, Mr. Nagel, is at the head of the Bureau of Immigration, and this clause in the law is included in the recommendation of that bureau. I think section 10 of the draft bill submitted by the Bureau of Immigration contains exactly this language—

Mr. CURLEY. Mr. Speaker—

Mr. GARDNER of Massachusetts. I can not yield. The provision is:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

The commissioner points out in his report that this provision will be effective in preventing men with criminal records slipping by at Ellis Island.

Mr. GOLDFOGLE. Mr. Speaker—

Mr. GARDNER of Massachusetts. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. GARDNER of Massachusetts. The gentleman says, "Oh, but suppose Russia passes a law and takes up that same system of criminal jurisprudence."

Was ever anything more fantastic than such a supposition? The gentleman perhaps believes that Russia is going to change her whole system of criminal jurisprudence for the purpose of keeping the Jews in Russia. Why, we know that the fact is that the Russian Government dislikes the Jews and does not wish to keep them in Russia. Nothing more fanciful has been dreamed in the whole course of this debate. Russia telling us whom we shall admit, forsooth!—and that was a very effective way in which the gentleman put it—Russia changing her criminal system merely to keep some of her people at home. She has plenty of ways of keeping them at home if she so desires. Do not be alarmed, Mr. Speaker, at the ghost of Russia instructing us as to whom we shall admit to this country. Russia is not going to tell us whom we shall admit and whom we shall exclude; but when would-be immigrants are in possession of documents which show whether or not they have criminal records, we propose to see those documents. Before men who possess certificates pass through Ellis Island they must produce those certificates, so that this country shall not be flooded with criminals.

The SPEAKER. The time of the gentleman has expired.

Mr. SABATH. I yield two minutes and a half to the gentleman from New York [Mr. GOLDFOGLE].

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] is recognized for two minutes and a half.

Mr. GOLDFOGLE. Mr. Speaker, the brief time allotted to me to speak in opposition to the conference report affords no fair opportunity to analyze the many provisions which have been inserted by the conferees. I can but utter my earnest, vigorous, and emphatic protest against the adoption of this measure. It abounds with provisions that are pernicious and

which, if enacted, will give rise to hardship. It is, with few exceptions, the Dillingham bill all over again, and in some one or two respects is somewhat worse than when that measure came to us from the Senate.

The method adopted to secure the enactment of this legislation calculated to restrict immigration is amazing. The House Committee on Immigration struck out the provisions of the Dillingham bill, and, lo, the conferees bring back the measure with most of the features of that bill all reinserted and even more drastic than before. I am conscious that the temper of this House to-day favors the report, yet I would not sit by and see this measure go through by this steam-roller process without uttering any protest against both this report and the hasty, ill-considered way in which it is proposed this bill shall become a law.

Only last night the conferees reported this measure to the House. As we passed the bill it contained but one provision. It was the literacy-test provision. It was the reading test proposed in the Burnett bill. Behold now, we get from the conferees a lengthy bill of about 60 printed pages, and this only found printed for the first time this morning. Certain it is that few Members have read the provisions of the bill. Few, indeed, could have in these few hours familiarized themselves with its many clauses and provisions. Legislation produced in this way and rushed through in this fashion can not ever be said to be the result of statesmanlike consideration or of deliberate action.

It has been already well suggested that under the bill as now reported by the conferees an alien who has been in this country for a considerable period of time and who for any reason may have temporarily returned to his mother country can not return here without being subjected to all the examinations and inconveniences and restrictions that apply to immigrants that come to our shores for the first time. I wish I had the time to illustrate fully the viciousness of this and the abuses to which such legislation may lead. A father or mother, though having been for years a law-abiding inhabitant of this country and then returning to his or her native land, might, through means of being subjected to the provisions of this restrictive legislation, be debarred from coming in again, and perhaps be separated from their families forever. So it might be in respect to sons and daughters who, returning from their native lands after having been lawfully here for some years, might meet with the obstacles and difficulties which this proposed law would put in their way when seeking readmittance to this country.

Yet, Mr. Speaker, while the first section of the bill brings forth these observations, because no longer, as in the present law, is the statute to apply to immigrants who have not heretofore been lawfully admitted to the country, but the bill is made to apply to "any person not a native-born or naturalized citizen of the United States" and is to include all these aliens. Yet important as it may be to carefully consider such a situation, or the effect of the language which the conferees have inserted, you want to rush this bill hastily and hurriedly to a vote.

In the third clause of the bill it is proposed to absolutely exclude from entrance into this country all "citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate." In countries such as Russia and Roumania the emigrant desirous of leaving to migrate hither might find himself or herself in severe plight and encounter intolerable hardships to get such certificate, if he or she belong to the class of people who come within their policy of proscription or against whom their religious or racial intolerance is directed.

In some countries, whether Russia or Italy, Roumania or Hungary, Poland or elsewhere, conditions might and at times are likely to arise when those who would seek to leave these foreign lands to come here would encounter difficulty to get such certificates. Any country may at any time adopt a system of issuing such certificates, and thus her subjects or citizens would come under these provisions. Russia already issues certificates of the nature called for by the bill before us. Need I tell you, from what you already know of the unfortunate and pitiful condition of the Jew in that autocratic country, what difficulty he would meet with there? How rich might be the field of petty officials in foreign lands when they would be called on to grant these certificates that would enable the intending emigrant to leave his country to turn his footsteps to this land of freedom and opportunity? Only a little more than a year ago this House by practically a unanimous vote condemned the autocratic and outrageous conduct of Russia against the Jew, and now here to-night you propose to subject the very class for whom you professed your sympathy to being compelled to seek a certificate from the hands of a government under whose oppression he lives before you will permit him

entrance to our shores. You would invest the Government of the Czar with the power, if it or its officials, high or low, great or petty, saw fit to exercise it, to keep the man or woman from coming here, though he or she would be in every way a desirable immigrant.

But I have not time to pursue this subject. I have heretofore opposed, as I still oppose, the educational or literacy test. It is no test of fitness or character. Under it the bad, the vicious, or criminal minded might, if they can read, come in, while those who may be worthy, able-bodied, capable of self-support, and honest, but, unfortunately, illiterate, be kept out.

So, with these hurried remarks, I conclude my protest. Regarding the measure proposed by the conferees as harsh, ill conceived, undemocratic, un-American, and opposed to American principles, and attended with a spirit of narrowness, I can not give it my vote.

The SPEAKER. The time of the gentleman has expired.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, hundreds of years ago the Chinese built a wall around their country for the purpose of keeping out foreigners, foreign influences, foreign culture, and whatever smacked of foreigners. We are much smarter than that. We do not build a physical wall, but we build a Chinese wall in the shape of a law, and we do it because we believe we already have a monopoly upon all the culture, all the science, all the arts the world is possessed of to-day. We do not need any more from the outside.

Mr. Speaker, I dislike to see the spirit which is behind this bill; it is not in harmony with the conception I have of true Americanism; it is a spirit of proscription, of intolerance, and of race prejudice; it is a spirit of nativism which has not been in the books of the fathers of this Republic.

It is impossible, of course, to discuss in the short time I have the several sections in this bill. I have been in this House for 20 years, but never within my recollection has it been attempted to pass a bill of this magnitude without the House of Representatives asserting its rights in at least preserving a chance to discuss and amend it. Yet we are confronted here with a parliamentary situation which requires this important measure to be acted upon without a chance for amendment, without a chance to discuss it. You are increasing the head tax from \$4 to \$5, and you think the steamship companies are to pay that. Nothing of the kind. The steamship companies will put it onto the immigrant, and taking a dollar from that poor man at a time when he needs it more than ever in all his life is like taking a nickel from the eyes of a blind man. Yet you insist on filching it from his pockets in spite of the fact that the immigrant fund is already overflowing with "blood money" collected in the same heartless manner.

Furthermore, you require a certificate of character from all immigrants coming from countries issuing such certificates. There may now be but one or two of such countries, but this new American statute will be incentive to all European countries to immediately pass laws stipulating, in effect, that certificates of character may be issued to those they want to get rid of and withheld from all those whom the authorities wish to stay at home. To this class belong, among others, all the young men subject to military duty, and thus the very flower of European manhood, the most desirable of all immigrants, will be prevented from coming to our shores.

I venture the prediction, Mr. Speaker, that it will not be long before you will deeply regret the action that is about to be taken. By this legislation you will build up Canada, Mexico, Brazil, and the Argentine Republic at the expense of the United States. You will find that you have killed the hen that lays the golden eggs, and that if our present prosperity is allowed to continue under Democratic rule, scarcity of labor will soon be the standing complaint of American industries. You will find that in enacting this bill you are listening to the voice of prejudice and ignorance rather than that of wisdom, to the braying of the jackass rather than to the voice of reason and intellect, and I can foresee the time when you will be willing not only to again open wide the doors of the Republic, but to offer premiums to immigrants whose coming you now regard as a hostile invasion; but then I am afraid it will be too late. By our unfriendly attitude we have already scared off the best—the Germans, the Irish, the Scandinavians—and with this new piece of legislation we will divert from us the balance of them.

I realize that those of us who have more closely studied the problem of immigration, and therefore more fully appreciate the monumental folly of this Know-nothing legislation, could preach until doomsday and yet could not make a dent on the prejudice which is responsible for it. It requires, like in the case of tariff legislation, the lessons of practical experience to

change the people's minds. Indeed, it seems to be a human trait to exhaust every folly to its utmost extremity before reason will be given its way. This is true with respect to the war preparations of the nations at the time when the great masses of all of them are entirely willing to dwell in peace and harmony and settle their differences peacefully. It is true in regard to the prohibition movement, which foolishly contemplates the changing of innocent individual habits by law rather than by moral suasion; and it seems to be true in the matter of regulating the immigration problem, which you now propose to solve by simply stopping the influx of foreigners, totally ignoring the fact that you will thereby create a new problem much more serious than the one you are trying to solve. We shall see who is right.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. KAHN. Mr. Speaker, the gentleman from Massachusetts [Mr. GARDNER] undertook to explain that Russia dislikes her Jewish subjects and does not want to keep them in that country. As a matter of fact, however, the reason assigned by the Government of the Czar for refusing to allow Jewish citizens of the United States of Russian birth to return to their native land under passports issued to them by the country of their adoption is that the Jews expatriated themselves and left Russia without the consent of the Russian Government. It seems to me that the provision contained in the conference report, which requires the production of penal certificates or certificates of character of any country that issues such certificates, in order to secure admission into the United States, will make it exceedingly difficult for the citizens of Russia of the Jewish faith to enter our ports in case Russia should adopt a law for the issuance of such certificates. It would also be difficult for political offenders from that country to come here. In my travels I have learned that it takes very little to constitute a political offense in most of the monarchical countries of Europe. The provision which has been inserted by the conferees requiring the production of such certificates to our officials constitutes one of my objections to the conference report. I think this feature of the law would result in many hardships.

I freely admit that there are many excellent provisions in the law, but there are also many provisions that, in my judgment, should never be enacted into law. The matter of the literacy test is the most important of these. I discussed that at some length when the Burnett bill was up for consideration in the House. The application of that test will be particularly hard in the case of the Territory of Hawaii, for the provisions in this bill will require all immigrants who go to the Territory of Hawaii to be able to read. For many years the labor in the sugar fields and plantations of Hawaii has been oriental. At first it was altogether Chinese coolies who were the workmen on these plantations. When we annexed Hawaii we extended our Chinese exclusion laws to the islands. Subsequently there was a large influx of Japanese coolies to the Territory. Indeed, the immigration of the latter was of such proportions that today the Japanese population far outnumbers any other on the Islands. The experience of many years has demonstrated that the oriental is not a satisfactory laborer. The planters and the citizens of Hawaii desire to supplant these orientals with Caucasian labor. An effort has been made to bring Portuguese and Spanish laborers to the islands to supplant the Chinese and Japanese laborers. Several shiploads of the former were brought to Hawaii to work on the plantations. This experiment met with great success. The natives of the Iberian Peninsula were paid one-third more salary than was paid the coolies of the Orient for similar services. The planters willingly paid the increase because they found that the Caucasian was a more desirable workman. But the Portuguese and Spaniards are largely illiterates. Under the terms of the conference report they could not be permitted to enter Hawaii and we will have the remarkable spectacle of one of our own Territories, which is trying to supplant its oriental workmen with Caucasian workmen, frustrated in its plans by the immigration laws of our own country. We find one of our Territories compelled to seek its labor from the exceedingly cheap labor countries of China and Japan. We of the West are decidedly averse to the orientalization of any section of our country. We of the West feel that Caucasian laborers are to be preferred to Chinese and Japanese coolies, and we feel that this bill, so far as Hawaii is concerned, discriminates in favor of the oriental and against the Caucasian.

It is needless for me to go into other details that make the conference report objectionable. I think those that I have enumerated show plainly that the measure has features that should never be placed upon the statute books, and for that reason I shall oppose the conference report.

Mr. SABATH. I now yield two minutes to the gentleman from Massachusetts [Mr. CURLEY].

Mr. CURLEY. Mr. Speaker, with reference to the section pointed out by the gentleman from Wisconsin [Mr. LENROOT] and which has been referred to by the gentleman from Massachusetts [Mr. GARDNER], which refers to the certificate of character from foreign governments, I want to point out that it is not the subjects of Russia alone with whom we are concerned as Members of this House, it is that splendid German citizenship, that French citizenship, that Italian citizenship, that we would have lost for the last 50 years if a bill of this character was on the statute books. We got the youth, we got the muscle, we got the intelligence, we got the determination, we got the ambition of those older civilizations in Europe whose people fled here to escape compulsory military service in Germany, in France, in Italy, and in every other section of Europe. [Applause.] This is the same old story. This bill comes in here, some 58 pages long, and in one afternoon's discussion an abomination has been discovered. I venture to say if we had seven days to discuss it there is not a man in the House who would be ready to vote for the bill. It is the same character of proscription that would have deprived this country of the splendid services of Thomas Francis Meagher, who at the head of his brigade captured more colors and standards than the rest of the Union Army put together in 1864. It would have deprived this country of the splendid attainments and qualifications of that masterly genius, John Boyle O'Reilly, who in protesting against the same character of proscriptive legislation, speaking for his own people, said:

No treason we bring from Erin,
Nor bring we shame nor guilt;
The sword we hold may be broken,
But we have not dropped the hilt.
The wreath we bear to Columbia
Is twisted of thorns, not bays,
And the songs we sing are saddened
By the thoughts of desolate days.
But the hearts we bring for freedom
Are bathed in a surge of tears,
And we claim our right by a freeman's fight
Outlasting a thousand years.

[Mr. BURNETT addressed the House. See Appendix.]

The SPEAKER. All time has expired.

Mr. SABATH. Mr. Speaker, I move that the House do now adjourn.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that the motion is dilatory.

Mr. SHERLEY. I submit, Mr. Speaker, that since any motion of that kind has been made we have debated at some length.

The SPEAKER. The motion is not debatable. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. SABATH) there were—ayes 31, noes 141.

So the motion was rejected.

Mr. SABATH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. A quorum is not required on a motion to adjourn.

Mr. MURRAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURRAY. Is a quorum required to do business?

The SPEAKER. Certainly it is.

Mr. MURRAY. I suppose the thing the House will do is to proceed to do business after the declaration of the vote on the motion to adjourn?

The SPEAKER. The roll call which was had a short time ago disclosed the presence of a quorum; 244 Members answering to their names. [Applause.]

Mr. MURRAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURRAY. Does the vote just declared by the Speaker disclose the absence of a quorum?

The SPEAKER. Every Member of the House does not stand up on a division.

Mr. MURRAY. A further parliamentary inquiry. Will the Chair take judicial notice of the fact that a quorum is present even in the absence of a quorum as disclosed by a recent division?

The SPEAKER. The Chair will take judicial notice of the fact that 10 minutes ago the roll was called and 244 Members answered to their names. [Applause.] The question is on agreeing to the conference report.

Mr. BOEHNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOEHNE. Mr. Speaker, is a motion in order at this time?

The SPEAKER. That depends upon what it is.

Mr. BOEHNE. Mr. Speaker, I move that the House disagree to the conference report and send it back to the conferees.

The SPEAKER. That is not in order. The question is on agreeing to the conference report.

Mr. BARTHOLDT. Mr. Speaker, I move to recommit the conference report to the committee on conference.

The SPEAKER. The gentleman will send his motion to the Clerk's desk, and the Clerk will report it.

The Clerk read as follows:

Mr. BARTHOLDT moves to recommit the bill to the committee on conference, with instruction to report forthwith and strike out the following: "Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate."

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken; and the Speaker announced the "noes" seemed to have it.

On a division (demanded by Mr. BARTHOLDT) there were—ayes 62, noes 132.

Mr. GOLDFOGLE. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The Chair will count. [After counting.] Thirty-six gentlemen have arisen, not a sufficient number.

Mr. SABATH. Mr. Speaker, I demand the other side.

Mr. BURNETT. Too late; I make the point of order, Mr. Speaker.

Mr. SHERLEY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. But there is a quorum present on this count.

Mr. SHERLEY. I beg the Chair's pardon, the count did not disclose a quorum.

The SPEAKER. One hundred and thirty-one plus 62 makes 193, and the Speaker makes 194. [Applause.]

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry. What is twice that number?

The SPEAKER. Why, there are certain vacancies in the House that makes 194 a quorum.

Mr. SABATH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. SABATH. I ask for the other side on this question.

Mr. BURNETT. It is too late.

The SPEAKER. No; it is not too late. The gentleman from Illinois demands the other side. [After counting.] Thirty-six have risen for the yeas and nays and 138 against it; that is one-fifth, and the Clerk will call the roll.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask for tellers upon the yeas and nays.

Mr. MANN. The gentleman has no right to demand tellers.

Mr. GARDNER of Massachusetts. Mr. Speaker, I withdraw the demand.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 70, nays 149, answered "present" 9, not voting 155, as follows:

YEAS—70.

Allen	Esch	Lee, Pa.	O'Shaunessy
Anderson	Fergusson	Lenroot	Reilly
Barchfeld	Gallagher	Lindbergh	Roberts, Mass.
Bartholdt	Goldfogle	Lobeck	Rosenberg
Bartlett	Graham	Loud	Sabath
Boehne	Gray	McCreary	Scott
Boohar	Green, Iowa	McDermott	Sherley
Broussard	Hamill	McLaughlin	Sherwood
Buikley	Hardy	Madden	Sloan
Burke, Wis.	Hawley	Maguire, Nebr.	Stone
Burleson	Helgesen	Miller	Tilson
Byrns, Tenn.	Kahn	Mondell	Towner
Cline	Kendall	Moore, Pa.	Volstead
Cooper	Kennedy	Morgan, Okla.	Warburton
Curley	Kinkaid, N. J.	Morse, Wis.	Wilson, Ill.
Denver	Konig	Murdock	Young, Mich.
Donohoe	Konop	Murray	
Doremus	Korbly	Nelson	

NAYS—149.

Adair	Carter	Dies	Foster
Alexander	Clark, Fla.	Difenderfer	Fowler
Ashbrook	Clayton	Dodds	Francis
Austin	Collier	Doughton	French
Ayres	Copley	Draper	Gardner, Mass.
Beall, Tex.	Cox	Edwards	Garner
Bell, Ga.	Crago	Ellerbe	Garrett
Borland	Cravens	Falsen	Godwin, N. C.
Brantley	Cullop	Farr	Goodwin, Ark.
Buchanan	Currier	Ferris	Greene, Vt.
Burke, S. Dak.	Dalzell	Finley	Gregg, Pa.
Burnett	Daugherty	Flood, Va.	Gregg, Tex.
Butler	Davis, W. Va.	Floyd, Ark.	Griest
Byrnes, S. C.	Dent	Focht	Gudger
Candler	Dickinson	Fordney	Guernsey
Cantrill	Dickson, Miss.	Foss	Hamilton, Mich.

Hamilton, W. Va.	Knowland	Pepper	Smith, Saml. W.
Hamlin	Kopp	Plumley	Smith, Tex.
Hammond	La Follette	Porter	Stanley
Hardwick	Langley	Pou	Stedman
Harrison, Miss.	Lee, Ga.	Powers	Stephens, Cal.
Hartman	Lever	Pray	Stephens, Miss.
Hay	Linthicum	Rainey	Stephens, Tex.
Hayes	Littlepage	Raker	Sterling
Heflin	Lloyd	Rauch	Switzer
Helm	McKenzie	Rees	Thomas
Henry, Tex.	McKinney	Roberts, Nev.	Tribble
Hinds	Macon	Roddenbery	Underhill
Holland	Mays	Rothermel	Watkins
Houston	Moon, Tenn.	Rubey	Webb
Hughes, Ga.	Morrison	Russell	Willis
Hughes, W. Va.	Moss, Ind.	Saunders	Wilson, Pa.
Humphrey, Wash.	Mott	Sharp	Witherspoon
Jackson	Neeley	Sheppard	Young, Kans.
Jacoway	Norris	Simmons	Young, Tex.
Johnson, S. C.	Padgett	Sims	
Jones	Payne	Sisson	
Kitchin		Small	

ANSWERED "PRESENT"—9.

Adamson	McMorran	Palmer	Ransdell, La.
Bradley	Mann	Pickett	Sparkman
Browning			

NOT VOTING—155.

Alken, S. C.	Fairchild	Lawrence	Rucker, Colo.
Alney	Fields	Legare	Rucker, Mo.
Akin, N. Y.	Fitzgerald	Levy	Scully
Ames	Fornes	Lewis	Sells
Andrus	Fuller	Lindsay	Shackleford
Ansberry	Gardner, N. J.	Littleton	Slayden
Anthony	George	Longworth	Slemp
Barnhart	Gill	McCall	Smith, J. M. C.
Bates	Gillett	McCoy	Smith, Cal.
Bathrick	Glass	McGillcuddy	Smith, N. Y.
Berger	Goeke	McGuire, Okla.	Speer
Blackmon	Good	McKellar	Stack
Brown	Gould	McKinley	Steenerson
Burgess	Greene, Mass.	Maher	Stephens, Nebr.
Burke, Pa.	Harris	Martin, Colo.	Stevens, Minn.
Calder	Harrison, N. Y.	Martin, S. Dak.	Sulloway
Callaway	Hart	Matthews	Sweet
Campbell	Haugen	Merritt	Taggart
Cannon	Hayden	Moon, Pa.	Talbot, Md.
Carlin	Heald	Moore, Tex.	Talcott, N. Y.
Cary	Henry, Conn.	Morgan, La.	Taylor, Ala.
Claypool	Hensley	Needham	Taylor, Colo.
Conry	Higgins	Nye	Taylor, Ohio
Covington	Hill	Oldfield	Thayer
Crumpacker	Hobson	Olmsted	Thistlewood
Curry	Howard	Parran	Townsend
Danforth	Howell	Patten, N. Y.	Turnbull
Davenport	Howland	Patton, Pa.	Tuttle
Davidson	Hull	Peters	Underwood
Davis, Minn.	Humphreys, Miss.	Post	Vare
De Forest	James	Prince	Vreeland
Dixon, Ind.	Johnson, Ky.	Prouty	Weeks
Driscoll, D. A.	Kent	Pujo	Whitacre
Driscoll, M. E.	Kindred	Randell, Tex.	White
Dupré	Kinkaid, Nebr.	Redfield	Wilder
Dwight	Lafane	Reyburn	Wilson, N. Y.
Dyer	Lafferty	Richardson	Wood, N. J.
Estopinal	Lamb	Riordan	Woods, Iowa
Evans	Langham	Rouse	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

On the vote:

Mr. PRINCE with Mr. CRUMPACKER.

Mr. TOWNSEND (to recommit) with Mr. GLASS (against).

Mr. FITZGERALD (in favor) with Mr. HIGGINS (against).

Mr. GILL (to recommit) with Mr. HENSLEY (against).

Mr. NYE (to recommit) with Mr. DAVIS of Minnesota (against).

Mr. RANDELL of Louisiana (to recommit) with Mr. ROUSE (against).

Mr. DUPRÉ (to recommit) with Mr. BLACKMON (against).

Mr. PROUTY (to recommit) with Mr. COVINGTON (against).

Until further notice:

Mr. WHITE with Mr. LAFFERTY.

Mr. TUTTLE with Mr. PATTON of Pennsylvania.

Mr. TALCOTT of New York with Mr. MCKINLEY.

Mr. STEPHENS of Nebraska with Mr. MARTIN of South Dakota.

Mr. MORGAN of Louisiana with Mr. MCCALL.

Mr. MAHER with Mr. LAWRENCE.

Mr. HAYDEN with Mr. HOWELL.

Mr. HARRISON of New York with Mr. HENRY of Connecticut.

Mr. EVANS with Mr. GREENE of Massachusetts.

Mr. CARLIN with Mr. FULLER.

Mr. AIKEN of South Carolina with Mr. CAMPBELL.

Mr. SLAYDEN with Mr. PICKETT.

Mr. KINKAID of Nebraska with Mr. STEENERSON.

Mr. PALMER. Mr. Speaker, has the gentleman from Connecticut, Mr. HILL, voted?

The SPEAKER. He has not.

Mr. PALMER. I have a pair with the gentleman, Mr. Speaker. I voted "nay" upon this proposition. I wish to withdraw my vote and vote "present."

The name of Mr. PALMER was called, and he voted "Present." The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the "ayes" seemed to have it.

Mr. SABATH. Mr. Speaker, I demand the yeas and nays on that.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] demands the yeas and nays. All those in favor of demanding the yeas and nays will rise and stand until counted. [After counting.] Twenty-six gentlemen have risen.

Mr. SABATH. Mr. Speaker, I demand the other side.

The SPEAKER. The other side is demanded. All those opposed to taking the vote by yeas and nays will rise and stand until counted. [After counting.] One hundred and thirty-six gentlemen have risen. Not a sufficient number, and the conference report is agreed to.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

LEAVE OF ABSENCE.

Mr. MCCOY, by unanimous consent, was granted leave of absence for three days, on account of important business.

EXTENSION OF REMARKS.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Speaker, I move that the House do now adjourn.

THE LATE SENATOR NIXON.

Mr. ROBERTS of Nevada. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That Sunday, February 16, 1913, be set apart for addresses on the life, character, and public services of Hon. GEORGE S. NIXON, late a United States Senator from the State of Nevada.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

EXTENSION OF REMARKS.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that everyone who has spoken on the question may be permitted to extend his remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object. However, I do not object to the gentleman from Alabama [Mr. BURNETT] extending his remarks.

The SPEAKER. That was not his request. The request of the gentleman from Alabama was that all gentlemen who had spoken on this question might have unanimous consent to extend their remarks in the RECORD. To that the gentleman from Illinois [Mr. MANN] objected.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. REILLY. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Connecticut makes the same request. Is there objection?

There was no objection.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 15 minutes p. m.) the House adjourned until Saturday, January 18, 1913, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of final ascertainment of electors for President and Vice President appointed in the State of Florida at the election held therein on November 5, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

2. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for the protection of the person of the President elect of the United States (H. Doc. No. 1279); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, pursuant to law, a list of leases granted by the Secretary of War during the calendar year 1912 (H. Doc. No. 1280); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of State, submitting estimates of urgent deficiency appropriation for subjects relating to safety of life at sea (H. Doc. No. 1281); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of State, submitting estimate of increase in appropriation for expenses connected with the international joint commission under the waterways treaty between the United States and Great Britain (H. Doc. No. 1282); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of the Navy, submitting supplemental estimate of appropriation for the purchase of additional land for extension of landing facilities at the naval station, Narragansett Bay, R. I. (H. Doc. No. 1283); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOBSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 27992) to authorize the creation of a temporary commission to investigate and make recommendation as to the necessity or desirability of establishing a national aerodynamical laboratory, and prescribing the duties of said commission, and providing for the expenses thereof, reported the same without amendment, accompanied by a report (No. 1343), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUGHES of Georgia, from the Committee on Military Affairs, to which was referred the bill (S. 1673) providing for the retirement of certain officers of the Philippine Scouts, reported the same without amendment, accompanied by a report (No. 1344), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAMILL: A bill (H. R. 28184) to constitute Jersey City, in the State of New Jersey, a port of entry, and extending the privileges of the act of June 10, 1880, thereto; to the Committee on Ways and Means.

By Mr. BATES: A bill (H. R. 28185) for the better payment of pensioners; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 28186) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. LITTLEPAGE: A bill (H. R. 28187) to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BORLAND: A bill (H. R. 28188) to provide for the reconstruction and maintenance of the old national road from Cumberland, Md., to St. Louis, Mo., and extensions to the same, making it a continuous trunk-line road from the Atlantic Ocean to the Pacific Ocean; to the Committee on Agriculture.

By Mr. TOWNER: A bill (H. R. 28189) providing for a monument to commemorate the services and sacrifices of the

women of the country at the time of the American Revolution; to the Committee on Public Buildings and Grounds.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 28190) to authorize the construction of a public building at Malden, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 28191) authorizing the extension of payments on certain town lots in the Kiowa, Comanche, and Apache ceded lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. AUSTIN: A bill (H. R. 28192) for the relief of the city authorities of the city of Harriman, Roane County, Tenn.; to the Committee on Claims.

By Mr. BULKLEY: A bill (H. R. 28193) to provide for the construction of the Patent Office of the United States, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. GOLDFOGLE: A bill (H. R. 28230) to promote the safety of travelers and employees upon railways engaged in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. FRANCIS: A bill (H. R. 28231) to provide for the reconstruction and maintenance of the old national road from Cumberland, Md., to St. Louis, Mo., and extensions to the same, making it a continuous trunk-line road of macadam or other permanent material from New York City to the Pacific coast; to the Committee on Agriculture.

By Mr. GOODWIN of Arkansas: Resolution (H. Res. 777) congratulating the people of Ireland on the passage of an Irish home-rule bill by the British House of Commons; to the Committee on Foreign Affairs.

By Mr. HOWLAND: Joint resolution (H. J. Res. 384) proposing an amendment to the Constitution of the United States relating to impeachments; to the Committee on the Judiciary.

By Mr. TAGGART: Joint resolution (H. J. Res. 385) to grant a leave of absence to certain employees of the United States; to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 28194) granting an increase of pension to Lauretta Elston; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 28195) granting a pension to Harry Adelbert Nichols; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 28196) for the relief of William W. Case and Mattie E. Case; to the Committee on Claims.

By Mr. BURGESS: A bill (H. R. 28197) for the relief of J. O. King; to the Committee on Claims.

By Mr. CULLOP: A bill (H. R. 28198) granting a pension to Jennie Bridwell; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 28199) granting an increase of pension to Arthur L. Douglass; to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 28200) granting a pension to William N. Hoffman; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 28201) granting a pension to Polly R. Parker; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 28202) granting a pension to Albert Seelig; to the Committee on Pensions.

By Mr. GOEKE: A bill (H. R. 28203) granting an increase of pension to Cornelius Roush; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 28204) for the relief of George W. Trahey; to the Committee on Claims.

Also, a bill (H. R. 28205) for the relief of James Bender; to the Committee on Military Affairs.

Also, a bill (H. R. 28206) granting a pension to Arthur C. Dexter; to the Committee on Pensions.

Also, a bill (H. R. 28207) granting an increase of pension to George T. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28208) granting an increase of pension to Lanson S. Hogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28209) granting an increase of pension to Estelle H. Wholley; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 28210) granting a pension to Katherine S. Neeland; to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 28211) granting a pension to Samantha West Miller; to the Committee on Pensions.

By Mr. LAWRENCE: A bill (H. R. 28212) restoring the name of Melina Day to the pension roll; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 28213) granting an increase of pension to George W. Conley; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 28214) granting a pension to Monroe Flowers; to the Committee on Pensions.

Also, a bill (H. R. 28215) to remove the charge of desertion from the military record of Frederick Frosch; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: A bill (H. R. 28216) granting an increase of pension to John Ferguson; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 28217) granting an increase of pension to James Chambers; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 28218) granting an increase of pension to Samuel Turpin; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 28219) granting a pension to Martha L. Manly; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 28220) granting an increase of pension to James D. Brown; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 28221) granting an increase of pension to Benjamin Dorwart; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 28222) granting a pension to Sarah P. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28223) to correct the military record of Eugene J. Rizer; to the Committee on Military Affairs.

By Mr. STANLEY: A bill (H. R. 28224) for the relief of the estate or heirs of Philip P. Phillips, deceased; to the Committee on War Claims.

By Mr. STEPHENS of Nebraska: A bill (H. R. 28225) granting an increase of pension to Orlando Wood; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 28226) granting a pension to Gabriel H. Leighty; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 28227) granting a pension to William H. Haight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28228) granting an increase of pension to Alfred H. Guest; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 28229) granting an increase of pension to Charles M. Reilly; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 28232) granting a pension to Ida Wingart; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Judson C. Wall, New York, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

Also, papers to accompany special bill for the relief of Mary H. Johnston; to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of the Women's League of the Clinton Avenue Congregational Church, Brooklyn, N. Y., favoring action on the part of Congress that the tolls at the Panama Canal be adjusted by diplomacy; if that can not be done, by arbitration; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of West Virginia: Petition of the Randall County Bar Association, favoring the passage of legislation for a term of Federal district court of the United States of America at Elkins, W. Va.; to the Committee on the Judiciary.

By Mr. DIFENDERFER: Petition of Ezra W. Spragell and others, of Buck County, favoring the passage of the Kenyon-Sheppard bill for preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. ESCH: Petition of citizens of Curtis, Wis., protesting against the passage of the Lever agriculture bill; to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of the National Academy of Design, of New York, urging that the proposed Lincoln memorial be erected on the site recommended by the Washington Park Commission; to the Committee on the Library.

Also, petition of the Italian Chamber of Commerce, of New York, protesting against the passage of Senate bill 3175, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Social Science Section of the American Association for the Advancement of Science, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

By Mr. LEVY: Petition of Sol Bloom (Inc.), New York, and the Eastern Talking Machine Dealers' Association, New York, protesting against the passage of section 2 of the Oldfield patent bill, prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

By Mr. LINDSAY: Petition of Jerome D. Greene, trustee of the Rockefeller Institute for Medical Research, etc., favoring the passage of House bill 21532, to incorporate the Rockefeller Foundation; to the Committee on the Judiciary.

Also, petitions of the American Talking Machine Co., Brooklyn, N. Y.; the Eastern Talking Machine Dealers' Association, New York; and E. S. Cragen, Brooklyn, N. Y., protesting against the passage of section 2 of the Oldfield patent bill prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of Hogan & Son and Earl & Wilson, New York, favoring the passage of House bill 27567, for a 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petitions of John Otterbacher, Charlottesville, Va.; Knaggs & Plum, Bay City, Mich.; and Hugh Thompson, Eastport, Me., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany bill (H. R. 7465) for the relief of Emma A. Ford; to the Committee on Pensions.

By Mr. NEELEY: Petition of citizens of Meade County, Kans., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. NORRIS: Petition of citizens of Nebraska, protesting against the passage of any legislation reducing the tariff on sugar; to the Committee on Ways and Means.

By Mr. TILSON: Petition of the Manufacturers' Association of Bridgeport, Conn., protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of the Eastern Talking Machine Dealers' Association, New York, protesting against passage of section 2 of the Oldfield patent bill prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

By Mr. WILLIS: Paper to accompany bill (H. R. 27526) granting a pension to Mary B. Showalter; to the Committee on Invalid Pensions.

SENATE.

SATURDAY, January 18, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

Mr. SHIVELY (at the Vice President's desk) handed to the Secretary the following communication, which was read:

UNITED STATES SENATE,
Washington, D. C., January 18, 1913.

TO THE SENATE:

I hereby name Hon. BENJAMIN F. SHIVELY, senior Senator from the State of Indiana, to perform the duties of the Chair during my absence Saturday, the 18th day of January, 1913.

AUGUSTUS O. BACON,
President of the Senate Pro Tempore.

Mr. SHIVELY thereupon took the chair as Presiding Officer for to-day, and directed the Secretary to read the Journal of yesterday's proceedings.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of ascertainment of electors for President and Vice President appointed in the State of Florida at the election held in that State December 5, 1912, which was ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 7637. An act to authorize the construction of a railroad bridge across the Illinois River near Havana, Ill.; and

S. J. Res. 150. Joint resolution appropriating \$40,000 for expenses of inquiries and investigations ordered by the Senate.